

# THE NATIONAL ARCHIVES FEDERAL REGISTER OF THE UNITED STATES

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## TITLE 7—AGRICULTURE

### Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

#### PART 951—TOKAY GRAPES GROWN IN SAN JOAQUIN AND SACRAMENTO COUNTIES IN CALIFORNIA

##### DETERMINATION RELATIVE TO EXPENSES AND FIXING OF RATE OF ASSESSMENT FOR 1955-56 SEASON

Notice was published in the July 14, 1955, daily issue of the *Federal Register* (20 F. R. 5018) that consideration was being given to proposals regarding the expenses and the fixing of the rate of assessment for the 1955-56 season under the marketing agreement, as amended, and Order No. 51, as amended (7 CFR Part 951), regulating the handling of Tokay grapes grown in San Joaquin and Sacramento Counties in California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice which were submitted by the Industry Committee (established pursuant to said amended marketing agreement and order) it is hereby found and determined that:

§ 951.210 *Expenses and rate of assessment for the 1955-56 season*—(a) *Expenses*. Expenses that are reasonable and likely to be incurred by the Industry Committee, established pursuant to the provisions of the aforesaid amended marketing agreement and order, to enable such committee to perform its functions, in accordance with the provisions thereof, during the season beginning April 1, 1955, and ending on March 31, 1956, both dates inclusive, will amount to \$37,470.00.

(b) *Rate of assessment*. (1) The rate of assessment, which each handler who first ships Tokay grapes shall pay as his pro rata share of the aforesaid expenses in accordance with the applicable provisions of said amended marketing agreement and order is hereby fixed at eight mills (\$.0008) per standard package, or the equivalent thereof in weight, of Tokay grapes shipped by such handler during said season.

(2) As used in this section, the terms "handler," "ships," "shipped," and "season" shall have the same meaning as when used in said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: July 29, 1955.

[SEAL] F. R. BURKE,  
Acting Deputy Administrator.

[F. R. Doc. 55-6256; Filed, Aug. 2, 1955; 8:52 a. m.]

## TITLE 14—CIVIL AVIATION

### Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 1]

#### PART 418—AVIATION SAFETY REPRESENTATIVES

##### DESIGNATED ENGINEERING AND MANUFACTURING INSPECTION REPRESENTATIVES

At the present time, § 418.24, *Designated engineering representatives*, and § 418.25, *Designated manufacturing inspection representatives*, list specific engineering reports, drawings, data, etc., that a designee may approve. Experience has indicated that such a list is unduly restrictive. In order to make the provisions of §§ 418.24 and 418.25 less restrictive, a general authority to approve reports, drawings, data, etc., within limits determined by the Administrator or his authorized representative has been substituted for a specific list.

Section 418.10 as it appeared in 19 F. R. 3353 on June 8, 1954, is amended to include the complete titles of forms used to accompany letters requesting appointment as engineering or manufacturing designated representatives.

Since this amendment is minor in nature and imposes no additional burdens on any person, notice and public procedure hereon are unnecessary, and the amendment may be made effective without prior notice.

1. The last sentence of § 418.10 is amended as follows:

§ 418.10 *Selection*. . . .

Designated Engineering Representatives and Designated Manufacturing In-

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## CFR SUPPLEMENTS

(For use during 1955)

The following Supplements are now available:

Title 26 (1954) (\$2.50)

Title 32: Parts 1-399 (\$4.50)

Parts 700-799 (\$3.75)

Previously announced: Title 3, 1954 Supp. (\$1.75); Titles 4-5 (\$0.70); Title 6 (\$2.00); Title 7: Parts 1-209 (\$0.60); Parts 210-899 (\$2.50); Part 900 to end (\$2.25); Title 8 (\$0.45); Title 9 (\$0.65); Titles 10-13 (\$0.50); Title 14: Parts 1-399 (\$2.25); Part 400 to end (\$0.65); Title 15 (\$1.25); Title 16 (\$1.25); Title 17 (\$0.55); Title 18 (\$0.50); Title 19 (\$0.40); Title 20 (\$0.75); Title 21 (\$1.75); Titles 22-23 (\$0.75); Title 24 (\$0.75); Title 25 (\$0.50); Title 26: Parts 1-79 (\$0.35); Parts 80-169 (\$0.50); Parts 170-182 (\$0.50); Parts 183-299 (\$0.30); Part 300 to end and Title 27 (\$1.25); Titles 28-29 (\$1.25); Titles 30-31 (\$1.25); Title 32A, Revised December 31, 1954 (\$1.50); Title 33 (\$1.50); Titles 35-37 (\$0.75); Title 38 (\$2.00); Title 39 (\$0.75); Titles 40-42 (\$0.50); Titles 44-45 (\$0.75); Title 46: Parts 1-145 (\$0.40); Part 146 to end (\$1.25); Titles 47-48 (\$1.25); Title 49: Parts 1-70 (\$0.60); Parts 71-90 (\$0.75); Parts 91-164 (\$0.50); Part 165 to end (\$0.60); Title 50 (\$0.55)

Order from Superintendent of Documents, Government Printing Office, Washington 25, D. C.

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spection Representatives are selected by the Chief, Aircraft Engineering Division, or his authorized representatives from those qualified persons whose requests for appointment have been initiated by letter. This letter must be accompanied by a Statement of Qualifications of Designated Engineering Representative, Form ACA-1599, or a Statement of Qualifications for Designated Manufacturing Inspection Representative, Form ACA-1381.

2. Section 418.24 is revised by deleting the entire section and substituting therefor the following:

§ 418.24 *Designated engineering representatives (DER)*—(a) *Types*. The types of engineering representative des-

ignations issued by CAA are: structural engineering, powerplant engineering, systems and equipment engineering, radio engineering, engine engineering, propeller engineering, flight analyst, and flight test pilot.

(b) *Privileges*—(1) *Structural engineering representative*. A person designated as a structural engineering representative may approve structural engineering data and other structural considerations within limitations prescribed by and under the general supervision of the Administrator or his authorized representative, when such data and other structural considerations have been determined by him to comply with pertinent Civil Air Regulations.

(2) *Powerplant engineering representative*. A person designated as a powerplant engineering representative may approve data relating to powerplant installations within limitations prescribed by and under the general supervision of the Administrator or his authorized representative, when such data have been determined by him to comply with pertinent Civil Air Regulations.

(3) *Systems and equipment engineering representative*. A person designated as a systems and equipment engineering representative may approve engineering data relating to equipment and systems other than those of a structural, powerplant, or radio nature within limitations prescribed by and under the general supervision of the Administrator or his authorized representative, when such data have been determined by him to comply with pertinent Civil Air Regulations.

(4) *Radio engineering representative*. A person designated as a radio engineering representative may approve engineering data relating to the design and operating characteristics of radio equipment within limitations prescribed by and under the general supervision of the Administrator or his authorized representative, when such data have been determined by him to comply with pertinent Civil Air Regulations.

(5) *Engine engineering representative*. A person designated as an engine engineering representative may approve engineering data relating to engine design, operation, and service within limitations prescribed by and under the general supervision of the Administrator or his authorized representative, when such data have been determined by him to comply with pertinent Civil Air Regulations.

(6) *Propeller engineering representative*. A person designated as a propeller engineering representative may approve engineering data relating to propeller design, operation, and maintenance within the limitations prescribed by and under the general supervision of the Administrator or his authorized representative, when such data have been determined by him to comply with pertinent Civil Air Regulations.

(7) *Flight analyst representative*. A person designated as a flight analyst representative may approve flight test data within the limitations prescribed

by and under the general supervision of the Administrator or his authorized representative, when such data have been determined by him to comply with pertinent Civil Air Regulations.

(8) *Flight test pilot representative*. A person designated as a flight test pilot representative may conduct flight tests, and prepare and approve flight test data relating to compliance with Civil Air Regulations within limitations prescribed by and under the general supervision of the Administrator or his authorized representative.

3. Section 418.25 is revised by deleting the entire section and substituting therefor the following:

§ 418.25 *Designated manufacturing inspection representative (DMIR)*. A person designated as a DMIR may issue original airworthiness and export certificates for aircraft, engines, propellers, and other type certificated products which are found to conform with approved type design data; issue export ferry permits; conduct station and conformity inspections; and make such additional examinations as may be necessary to ascertain that prototype and production articles are airworthy and safe for operation. Such authorization is limited to the manufacturing plant in which the designee is employed.

This amendment shall become effective upon publication in the FEDERAL REGISTER.

(Sec. 310, 64 Stat. 1079; 49 U. S. C. 460)

[SEAL] F. B. LEE,  
Administrator of Civil Aeronautics.

[F. R. Doc. 55-6223; Filed, Aug. 2, 1955; 8:45 a. m.]

## TITLE 6—AGRICULTURAL CREDIT

### Chapter III—Farmers Home Administration, Department of Agriculture

#### Subchapter F—Security Servicing and Liquidations [FHA Instruction 465.2]

##### PART 372—FARM OWNERSHIP LOANS

#### SUBPART B—TRANSFERS OF FARMS WITH RELEASE FROM PERSONAL LIABILITY

##### TRANSFEREES, FIRST INSTALLMENT

Paragraph (1) of § 372.23, Title 6, Code of Federal Regulations (18 F. R. 4783), is revised to change the payment date of the first installment from December 31 to January 1, and to read as follows:

§ 372.23 *General terms and conditions relating to farm transfers*. \* \* \*

(i) *Transferees' first installments*. The transferees' first installment will be made payable on January 1 following the date of Form(s) FHA-97. The payment schedule established in Form(s) FHA-97 will provide as nearly as possible for retirement of the assumed indebtedness through payment by the transferees of equal annual installments. However, if the transferees will not have been in possession of the farm for a full crop year prior to the due date established for the first installment, will not receive the benefits of the crop grown during

that year, and will not have other funds with which to pay a full annual installment, the State Director may approve a first installment in such amount (less than an annual installment) as he determines the transferees will be able to pay.

(Sec. 41 (1), 60 Stat. 1066, sec. 4 (c), 64 Stat. 100; 7 U. S. C. 1015 (1), 40 U. S. C. 442 (c). Interprets or applies secs. 3 (b), 44 (b), 63 Stat. 1074, 1069, sec. 2 (f), 64 Stat. 99; 7 U. S. C. 1003 (b), 1018 (b), 40 U. S. C. 440 (f))

Dated: July 29, 1955.

[SEAL] R. B. McLEISH,  
Administrator  
Farmers Home Administration.

[F. R. Doc. 55-6232; Filed, Aug. 2, 1955; 8:47 a. m.]

#### Subchapter G—Miscellaneous Regulations

##### PART 384—SPECIAL LIVESTOCK LOANS

##### PART 389—SPECIAL EMERGENCY LOANS

##### SUBPART A—LOAN POLICIES

#### EXTENSION OF SPECIAL LIVESTOCK LOAN AND SPECIAL EMERGENCY LOAN PROGRAMS

Sections 389.5 (b) (1), 389.1, and 389.2, the introductory paragraph in § 389.4, and § 389.4 (a) (5) of this chapter (18 F. R. 4945, 20 F. R. 541) are hereby amended to read as follows:

§ 384.5 *Loan purposes*. \* \* \*

(b) No Special Livestock loan may be approved:

(1) After July 13, 1957, except to borrowers indebted on that date for such loans. Loans to indebted borrowers may not be approved after July 14, 1959.

§ 389.1 *General*. Sections 389.1 to 389.4 provide the authorities, policies, and procedures for making and servicing Special Emergency loans pursuant to Public Law 727, 83d Congress, as amended by Public Law 117, 84th Congress, for agricultural purposes, except for refinancing of existing indebtedness. Such loans may be made only in areas designated for that purpose by the Secretary of Agriculture upon his determination that there is a need for agricultural credit, which cannot be met for a temporary period by commercial banks, cooperative lending agencies, the Farmers Home Administration under its regular lending programs or under other types of loans made pursuant to Public Law 38, 81st Congress, as amended.

§ 389.2 *Eligibility*. The eligibility requirements for Economic Emergency loans set forth in § 385.3 of this chapter are made applicable to Special Emergency loans except that Special Emergency loans will be made only in areas designated for this specific purpose, will not be made to corporations, and each applicant must also be unable to obtain the needed credit through Production Emergency, Economic Emergency, or Special Livestock loans, pursuant to Public Law 38, 81st Congress, as amended.

§ 389.4 *Making and servicing Special Emergency loans*. Except as provided in this section, §§ 381.4 (a) and 381.5 to

381.11 of this chapter are hereby made applicable to the making and servicing of Special Emergency loans. "Emergency loans" as used in the cited sections will be interpreted for this purpose to mean "Special Emergency" loans.

(a) Section 381.5 (b) of this chapter is supplemented hereby to provide the following: \* \* \*

(5) No Special Emergency loan will be approved after June 29, 1957.

(R. S. 161; 5 U. S. C. 22)

Dated: July 27, 1955.

[SEAL] R. B. McLEAISH,  
Administrator  
Farmers Home Administration.

[F. R. Doc. 55-6257; Filed, Aug. 2, 1955;  
8:52 a. m.]

## TITLE 32—NATIONAL DEFENSE

### Chapter V—Department of the Army

#### Subchapter F—Personnel

#### PART 578—DECORATIONS, MEDALS, RIBBONS, AND SIMILAR DEVICES

##### ARMY OF OCCUPATION MEDAL

In § 578.48 (a) the opening portion of subparagraph (1) is amended, and a new subparagraph (1-a) is added, as follows:

§ 578.48 *Army of Occupation Medal.* \* \* \*

(a) *Requirements.* \* \* \*

(1) Army of Occupation of Germany (exclusive of Berlin) between May 9, 1945 and May 5, 1955. (Service between May 9, and November 8, 1945 will be counted only if the European-African-Middle Eastern Campaign Medal was awarded for service prior to May 9, 1945.)

(1-a) Army of Occupation of Berlin or Austria between May 9, 1945 and a terminal date to be announced later. (Service between May 9 and November 8, 1945 will be counted only if the European-African-Middle Eastern Campaign Medal was awarded for service prior to May 9, 1945.)

[C4, AR 672-15, June 24, 1955] (R. S. 161;  
5 U. S. C. 22)

[SEAL] JOHN A. KLEIN,  
Major General, U. S. Army,  
The Adjutant General.

[F. R. Doc. 55-6204; Filed, Aug. 2, 1955;  
8:45 a. m.]

## Chapter XIV—The Renegotiation Board

#### Subchapter B—Renegotiation Board Regulations Under the 1951 Act

#### PART 1456—METHODS OF SEGREGATING RE- NEGOTIABLE AND NONRENEGOTIABLE SALES

##### MATERIALS INCORPORATED IN STANDARD COMMERCIAL ARTICLES

Section 1456.3 *How to determine receipts or accruals subject to renegotiation, generally* is amended by adding at the end of paragraph (b) (1) the following: "Sales with respect to which the customer has claimed or been granted exemption under the standard commer-

cial article exemption provided in section 106 (a) (8) of the act (see Part 1467 of this subchapter) should be classified as renegotiable by the customer for the purpose of furnishing segregation information to its subcontractors. This is because subcontracts under prime contracts or higher-tier subcontracts exempted under the standard commercial article exemption are not also exempt on that account (see section 106 (a) (7) of the act) For example, if 60 percent of a contractor's sales during a given year were to fulfill military orders, such contractor should advise its suppliers, if they request the information, that 60 percent of its sales during that year represented renegotiable business, even though such amount consisted in whole or in part of sales for which the contractor has claimed or received the standard commercial article exemption."

(Sec. 109, 65 Stat. 22; 50 U. S. C. App. 1219)

Dated: July 28, 1955.

FRANK L. ROBERTS,  
Chairman.

[F. R. Doc. 55-6248; Filed, Aug. 2, 1955;  
8:50 a. m.]

#### PART 1498—FORMS RELATING TO AGREEMENTS AND ORDERS

##### ORDER OF REGIONAL BOARD DETERMINING EXCESSIVE PROFITS

Section 1498.9 *Order of Regional Board determining excessive profits* is amended by redesignating paragraph "3" of the form set forth therein to be paragraph "4" and by deleting paragraph "2" and inserting in lieu thereof the following:

2. Further determined that, after proper adjustment on account of the taxes measured by income, other than Federal taxes, which are attributable to the portion of the profits of the Contractor which is not excessive, the amount of excessive profits to be eliminated is ----- (\$-----) Dollars.

3. Ordered that such excessive profits, as so adjusted, in the amount of ----- (\$-----) Dollars be eliminated pursuant to the act and said Renegotiation Board Regulations, subject to the applicable tax credit, if any, for Federal income and excess profits taxes provided in section ----- of the Internal Revenue Code of -----.

(Sec. 109, 65 Stat. 22; 50 U. S. C. App. 1219)

Dated: July 28, 1955.

FRANK L. ROBERTS,  
Chairman.

[F. R. Doc. 55-6249; Filed, Aug. 2, 1955;  
8:50 a. m.]

## TITLE 50—WILDLIFE

### Chapter I—Fish and Wildlife Service, Department of the Interior

#### Subchapter F—Alaska Commercial Fisheries

##### PART 105—ALASKA PENINSULA AREA

##### SALMON FISHERY\* OPEN SEASONS; WEEKLY CLOSED PERIOD

*Basis and purpose.* On the basis of excellent escapements of salmon in the Bear River and Port Moller districts of the Alaska Peninsula area, it has been

determined that additional fishing time can be permitted there.

Therefore, effective immediately upon publication in the FEDERAL REGISTER, § 105.3a is amended as follows:

1. In the text of paragraph (b) to read: "From 6 o'clock antemeridian July 2 to 6 o'clock postmeridian July 28, from 12 o'clock noon August 3, 1955, to 6 o'clock antemeridian August 11, 1955, and with gill nets and beach seines only from 6 o'clock antemeridian August 11 to 6 o'clock postmeridian September 30."

2. In the text of paragraph (c) by changing the period after July 28 to a comma and adding the following: "and from 12 o'clock noon August 3, 1955, to August 10, 1955."

3. Section 105.5 is amended in paragraph (a) by adding the following proviso: "Provided, That this shall not apply after 12 o'clock noon August 3 in the 1955 season only."

Since immediate action is necessary, notice and public procedure on this amendment are impracticable (60 Stat. 237 5 U. S. C. 1001 et seq.)

(Sec. 1, 43 Stat. 464, as amended; 48 U. S. C. 221)

JOHN L. FARLEY,  
Director

AUGUST 2, 1955.

[F. R. Doc. 55-6339; Filed, Aug. 2, 1955;  
11:38 a. m.]

## PROPOSED RULE MAKING

### DEPARTMENT OF AGRICULTURE

#### Agricultural Marketing Service

#### [ 7 CFR Parts 904, 934, 996, 999 ]

[Docket Nos. AO-14-A23; AO-83-A19;  
AO-203-A5; AO-204-A5]

#### MILK IN GREATER BOSTON, MERRIMACK VALLEY, SPRINGFIELD AND WORCESTER, MASSACHUSETTS, MARKETING AREAS

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS THERETO WITH RESPECT TO PROPOSED MARKETING AGREEMENTS AND PROPOSED ORDERS, AMENDING ORDER, AS NOW IN EFFECT, REGULATING HANDLING

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900) notice is hereby given of the filing with the Hearing Clerk of this recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to proposed marketing agreements and proposed amendments to the orders, as now in effect, regulating the handling of milk in the Greater Boston, Merrimack Valley, Springfield, and Worcester, Massachusetts marketing areas.

Interested parties may file written exceptions to the recommended decision with the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D. C., not later than the close of business on the 15th day after the publication of this recommended decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

**Preliminary statement.** A public hearing, on the record of which the proposed marketing agreements and the proposed orders were formulated, was called by the Agricultural Marketing Service, United States Department of Agriculture, following receipt of petitions filed on behalf of the majority of producers and by several handlers in the four markets. The public hearing was held in Northampton, Massachusetts, on April 18 to 20, in Worcester, Massachusetts, on April 21 to 23, in Waltham, Massachusetts, on April 25 to 27, and in Boston, Massachusetts, on April 28 and 29, and on May 3 to 5, 1955, pursuant to a notice duly published in the FEDERAL REGISTER (20 F. R. 1699).

The material issues considered at the hearing were concerned with the following:

1. Extension of the limits of the Greater Boston marketing area.
  2. Extension of the limits of the Springfield marketing area.
  3. Extension of the limits of the Worcester marketing area.
  4. The elimination of the floor price feature of the Class II pricing formula.
  5. Extension of the Boston zone differentials to reflect additional mileage distances.
  6. The basis of zoning plants and the level of zone differentials.
  7. Assignment of local Classes I sales from country plants under the Boston order.
  8. A storage cream credit under the Boston order.
  9. The classification of "half and half."
  10. A requirement that producers be provided by handlers with daily weight slips and the results of composite butterfat tests.
  11. Uniform marketing service provisions under all four orders.
  12. Pooling qualifications under the secondary market orders.
  13. Revision of secondary market butterfat differential.
  14. Diversion privilege under the secondary market orders.
  15. Revision of the outside milk definition under the Boston Merrimack Valley and Worcester orders.
  16. Extension of the nearby differential area under the Worcester order.
  17. Reduction in the Worcester country plant shipping requirements.
  18. The dealer definition under the Merrimack Valley order.
  19. Proposal to give receiving plant status under the Worcester order to the operator of a farm tank pickup truck.
  20. Revision of the exempt milk definition under the Worcester order.
  21. Conforming and nonsubstantive changes under all four orders.
1. **Boston area extension.** The limits of the Greater Boston marketing area

should be extended to include the towns of Frammingham, Natick, Wayland and Weston. The marketing area as presently constituted includes 38 contiguous Massachusetts cities and towns comprising a substantial portion of the Greater Boston metropolitan area. A substantial cooperative association of producers proposed that the area be extended to include the seven additional towns of Frammingham, Natick, Wayland, Weston, Sudbury, Concord, and Lincoln. Another proposal would extend the area to include all of that portion of Middlesex County not presently under Federal regulation.

The four towns herein recommended for inclusion in the marketing area lie directly west of and are contiguous to the present marketing area. The towns of Frammingham and Natick, in particular, are experiencing a very dynamic transition to an intensive residential and industrial area.

The proximity of this four-town area to Boston and its location with regard to modern transportation facilities have played an important role in its rapid development and there is every indication that the rapid urbanization will continue.

The four-town area herein under consideration is served by approximately 30 handlers, 14 of which are fully regulated Boston or Worcester handlers. While statistics on relative volumes, numbers of routes and similar quantitative data are lacking there is no question but that regulated Boston handlers are the primary handlers serving this area.

The Hood Company, one of the principal Boston handlers, serves most of this four-town area from its Natick plant, a loading station which is supplied from its East Bridgewater plant, primarily with unregulated milk. Under usual circumstances it would be expected that location with respect to Boston would direct that this area be served from Hood's Boston city plant. Testimony of responsible witnesses, however, indicates that the unregulated East Bridgewater plant is used in order to meet unregulated competition in the area.

A substantial portion of the annual volume of milk handled at the East Bridgewater plant is Boston pool milk which is fully priced under the order. However, the record is clear that much of this volume is flavored milk and milk in special packages disposed of throughout the area served by the East Bridgewater plant. Solely as a matter of processing economy it is handled in the Boston city plant and then transferred to Bridgewater for distribution. In addition, Boston pool milk is requisitioned whenever local producer milk and available unregulated supplies are less than minimum needs. Hence, while total receipts of regulated milk at the Bridgewater plant may be of such volume as to possibly equal, or even exceed, Hood's fluid distribution in the recommended area of extension, much of this milk is special packaged milk and flavored milk disposed of outside of this area. It is obvious that the company enjoys an advantage through its ability to use unregulated milk, purchased at or about

the Boston blend to supply much of its regular fluid requirements for this four-town area, in competition with handlers who are fully regulated under the Boston order.

The record shows that in addition to the Hood Company other substantial dealers not under Federal regulation who distribute in this area obtain much of their fluid requirements from unregulated country plants in Vermont and New Hampshire. In this respect their advantage over regulated Boston handlers distributing in the area is similar to that of the Hood Company.

The town of Sudbury, which is adjacent to and directly west of Wayland and north of Frammingham, is substantially rural in character. There is little indication here of the intensive urbanization presently taking place in the adjacent towns. Further, there is no indication that the inclusion of Sudbury would bring under regulation a single additional handler.

While the towns of Concord and Lincoln are served by both local dealers and regulated handlers there is no indication of unstable market conditions. The record fails to substantiate any significant flow of unregulated milk into these towns. Unlike the situation in towns herein recommended for inclusion, Boston handlers serve these towns from their regulated plants. The town of Lincoln, like Sudbury, is predominantly rural in character and the inclusion of Concord would bring under regulation certain dealers who do the bulk of their business beyond the proposed area of extension.

The record indicates that the primary consideration for the proposal for the inclusion of all of Middlesex County was a concept of marketing area delineation on the basis of county lines. There was no showing that this additional area was generally served by Boston handlers or, if so, that they experience any difficulties in competing with local dealers for fluid sales. To the contrary, the record shows that much of this area, not now under regulation, is predominantly rural in character and that it is generally served by small local dealers.

Producers delivering milk to local dealers opposed any extension of the marketing area, contending that their participation in the Boston pool would result in substantial financial loss to them. There is no question but that the producers supplying milk to local dealers serving the area herein recommended for inclusion have had a preferential market for their milk. These producers have generally received a straight Class I price for all of their milk. This has been possible because local production is adequate to supply only a small part of the total fluid milk needs of the area. Local dealers obtain a substantial part of their total fluid requirements from unregulated upcountry plants in New Hampshire and Vermont or from the Boston pool. While the record is not clear in regard to the manner in which this milk reaches the local dealers' plants or the cost of such milk it is significant that the largest handler serving the area has used unregulated milk,



purchased at the Boston blended price to meet competition in the area.

The additional towns herein recommended for inclusion are a part of the natural area of distribution for Boston handlers who presently do a very substantial business there. Local production is insufficient to supply these towns which therefore must look to the Boston pool for an assured long run milk supply. All producers having a bona fide association with the fluid market should share equitably in the proceeds from sales in the market. The present pooling and pricing scheme under the Boston order will promote this principle.

The military installation of Fort Devens, in the town of Ayer, should not be made a part of either the Boston or the Worcester marketing areas. The inclusion of this installation as a part of the marketing area was separately proposed by different proponents as an addition (1) to the Worcester marketing area and (2) to the Boston marketing area.

Proponents indicate that the inclusion of Fort Devens as a part of a Federal marketing area will return to Boston handlers the Class I sales there which they once held but which have since been lost to unregulated competition. The record tends to support the position that regulated handlers have held the contract infrequently in recent years, and not at all in the past year and a half. Such handlers have not continuously and exclusively supplied Fort Devens from pool sources over any extended period in the past. The bulk of the business at Fort Devens is awarded on a contract bid basis and while regulated Boston handlers have held the contract from time to time, such intermittent sales to this noncontiguous area cannot be held as binding it to the Boston marketing area. While producer proponents contend that Boston is the closest adequate source of supply for this installation, the fact remains that it is, and has been, supplied with milk from other sources over an extended period. Since Fort Devens is a noncontiguous area and neither it nor the town of Ayer is dependent on regulated handlers for their fluid needs it would be improper to establish an artificial association which would assure producers delivering to regulated handlers exclusive rights to the Class I sale.

A substantial handler operating in the additional territory herein recommended to be added to the Boston marketing area contended that any extension of the area would require re-examination of the supply-demand feature of the Class I formula. To the extent that Boston regulated handlers presently serve the area from their Boston city plants their Class I sales and producer supplies are presently reflected in the factors. While the evidence indicates a somewhat different production pattern for Massachusetts dairy farmers delivering to local dealers in the area of extension than is true for the Boston market as presently defined, the milk of these dairy farmers is only a small part of the total fluid requirements of this area. The relationships used as a standard in the present Boston area appear to be equally applicable to the area of extension.

2. *Springfield area extension.* No extension of the Springfield marketing area should be made at this time. The present Springfield marketing area includes the City of Springfield and 12 surrounding Massachusetts cities and towns. A large cooperative association representing the majority of producers presently supplying the Springfield market proposed that the area be extended to include all of the cities and towns in Hampden, Hampshire and Franklin Counties, Massachusetts.

Proponents base their proposal on the argument that the milkshed for the proposed area of extension is the same as for the present Springfield marketing area and that the Springfield market is called upon to absorb producers dropped in the proposed area of extension without benefit of any of the Class I sales. While the record tends to support the fact that Springfield handlers do a significant business in the towns immediately adjacent to the present marketing area boundaries there is no indication that they experience any difficulty in competing with State regulated handlers in this area. Further, there is no evidence that any substantial volumes of unregulated milk are being disposed of in this adjacent territory.

The situation in the Greenfield area is somewhat different. There is no indication that Springfield handlers do a significant business here. To the contrary, the record shows that, except in very recent months when two Springfield handlers attempted to promote the sale of milk in multi-quart containers, no Springfield handler has had any Class I sales in the Greenfield area or the outlying towns served by Greenfield dealers. While considerable volumes of out-of-State unpriced milk are used by certain dealers it appears that the volume of such milk disposed of in the Greenfield area has substantially decreased during the past year. While it seems very likely that this trend has developed in an effort to stem the extension of Federal regulation, it must be concluded that under present circumstances there is insufficient justification to recommend any extension at this time.

The proposal to extend the Springfield marketing area was not supported by any regulated Springfield handlers except the cooperative association and there is no indication in the record that these handlers are at any serious economic disadvantage in competing with local dealers.

3. *Worcester area extension.* No extension of the Worcester marketing area should be made on the basis of this hearing record.

The present marketing area includes the City of Worcester and 12 surrounding towns. A cooperative association representing the majority of producers in the market proposed that the area be extended to include all of Worcester County and the town of Ayer in adjoining Middlesex County. In the presentation of their case proponents called particular attention to the Tri-City area of Leominster, Fitchburg, and Gardner, and to that part of Worcester County

lying south of the present area and extending to the Connecticut line.

While it is alleged that Worcester handlers do a substantial business in the Tri-City area there is little evidence on the record to support these allegations. Hillcrest Dairy, the sole proprietary handler who supported the proposal to include this Tri-City area, presented figures to show a substantial loss of business to unregulated competition. However, it appears that much of the business Hillcrest lost was business temporarily obtained through the advantage of early installation of a paper machine, and later lost as local dealers installed their own machines. While there seems little doubt but that a substantial volume of unregulated and unpriced milk is disposed of in this area for fluid purposes, local dealers appear able to meet such competition and still pay local producers full State class prices for all of their milk. There is insufficient indication of disorderly marketing or that the supply of milk for the market is jeopardized at this time.

Conditions in the southern part of Worcester County are substantially different than in the Tri-City area. Deary Brothers, Inc., the largest handler of unregulated milk operates out of Dudley and does its primary business in the towns of Charlton, Oxford, Southbridge, Dudley and Webster as well as in parts of Connecticut and Rhode Island. While Deary has a small group of producers in Massachusetts, Connecticut and Rhode Island whose milk is received at the Dudley plant and is paid for at not less than the Massachusetts State Milk Control Commission Class I price, the bulk of the supply is received from producers at the affiliated Lyndonville, Vermont, plant and producers there are paid at roughly the Boston 21st zone blend.

Deary testified that all milk which moves from Lyndonville to Dudley is accounted for to the Lyndonville corporation at the State order Class I price. In this connection, the division of monies between the Lyndonville and Dudley corporations may be merely a matter of bookkeeping. There can be little doubt but that Deary enjoys a substantial advantage in cost of milk over regulated Worcester handlers and/or local dealers buying Massachusetts milk direct from producers. Notwithstanding, there is no indication that Worcester handlers are experiencing any unfair competition in the sale of milk. Further, the record fails to show the extent of business done by Worcester handlers in the area.

The towns in the southeastern part of Worcester County which generally fall in State Milk Control area 9B are apparently served primarily by regulated Worcester handlers and by local producer dealers. Here also there is no showing that Worcester handlers are at any basic disadvantage in competing for Class I sales. The town of Northbridge, formerly a part of the Worcester marketing area, is included in this group of towns. Lacking evidence to the contrary it must be presumed that the close interrelationships which have existed among the numerous small handlers in Northbridge and the immediately adjacent towns are typical of the area.

Lack of any clear indication that Worcester handlers generally serve the additional territory covered by the proposal, or if they do, that they are at any serious economic disadvantage in competing with local dealers is compelling in the denial of any extension of the Worcester marketing area at this time. However, if at a later date it can be more conclusively shown that unpriced milk is contributing to unstable marketing conditions and that Worcester handlers are consequently at a serious disadvantage in competing for Class I sales, it may be desirable to reconsider the question of area extension in light of the then current conditions in the market.

4. *The elimination of the floor price feature of the Class II pricing formula.* No change should be made in the Class II pricing formula at this time. The order presently provides that whenever the Boston weighted cream price is not published or the average price for milk for manufacturing purposes f. o. b. plants in the United States, as reported to the U. S. Department of Agriculture, adjusted to a 3.7 percent butterfat basis and subject to a specified seasonal adjustment, exceeds the Class II price based on the Boston weighted average cream price, such average f. o. b. plant price shall be the effective Class II price.

A substantial handler in the market has proposed that the average f. o. b. manufacturing plant price be used only when the weighted average cream price is not reported. Proponent spokesmen contend that the Class II pricing committee originally recommended the weighted average cream price as the proper measure of the fat value for Boston and that this, in combination with the skim value and the monthly allowances presently set forth in the order, is a reasonable basis for pricing surplus milk. It is further suggested that any pricing which tends to reduce handlers' margins makes the handling of Class II milk a gamble and handlers have no opportunity to recoup any losses.

These are substantially the same arguments advanced in exceptions to the administrator's decision which preceded the adoption of the present floor price feature. Proponents concede that the use of the adjusted U. S. manufacturing milk price is fitting when the Boston cream price is not published. They further concede that extreme caution should be taken lest the Boston cream price be published on the basis of too small a volume or too few buyers or sellers. Obviously, if the publication of the cream price is omitted more frequently the use of an alternative would be increased. Contrary to the position of proponents, the element of uncertainty concerning the value of milk used for other than Class I purposes is substantially reduced by the use of a price reported for the entire country and representing average prices paid by a very large number of manufacturing plants. If any uncertainty remains under this pricing plan it is in the determination of how much more milk for fluid cream and ice cream use is worth in the New England region than milk used nationally in the manufacture of all dairy products. Under the present scheme of pricing, the

Boston weighted average cream price has been used as a determinant of the added value.

Proponents have proposed discontinuation of the floor price feature apparently in fear that at some future date a general strengthening of manufacturing milk values may carry the average U. S. manufacturing milk price above the price computed on the basis of the Boston weighted average cream price over an extended period. Producers in New England are producing milk for a fluid milk market and in view of their location relative to the larger eastern population centers it is difficult to foresee any circumstance under which it should be necessary to price milk used primarily for fluid cream and ice cream at a price less than the average paying price of milk for manufacturing purposes throughout the country. Accordingly, discontinuation of the use of the U. S. manufacturing milk price as a floor price is denied.

5. *Extension of the zone differential schedule under the Boston order.* The Class I zone price differential schedule under the Boston order should be extended through the 45th zone. The order presently sets forth differentials through the 40th zone and milk received at plants located beyond this point is priced at the 40th zone price. A substantial handler with a country plant located at Presque Isle, Maine, in the 43rd zone proposed that the differential schedule be extended to cover additional mileages.

The proposal to extend the zone differential schedule has been a matter of consideration at a previous Boston amendment hearing. At the time of that hearing no Boston pool plant was located beyond the 36th zone and there was no indication that handlers actually intended to bring plants into the pool from beyond this point. In recent years there has been a gradual increase in the proportionate volume of milk in the Boston pool originating in the State of Maine. The Hood Company has now established a pool plant at Presque Isle and under existing conditions it is not unlikely that additional Maine plants will be placed in the Boston pool from time to time. The scheme of pricing set forth under the Boston order recognizes the principle that milk similarly used and located should be similarly priced. Accordingly, milk originating nearer the market commands a price higher than milk more distant from the market to the extent of the difference in costs of transporting such milk to the market.

Under the existing assignment provisions of the order, Class I milk is allocated in sequence starting with those plants nearest the market and under this principle no milk from beyond the 25th zone is, under usual circumstance allocated to Class I insofar as pool handlers operating more than one pool plant are concerned. Hence, extension of the Class I zone differential schedule will ordinarily have no effect on the price handlers are required to pay for Class I milk disposed of in the marketing area. In light of the recommendation herein-after made for the assignment to country plants of Class I sales made locally

from such plants it will, however, affect the price charged multiple-plant handlers for milk sold locally from country plants. Because the Class I zone differentials apply to the blended price, the extension of this schedule will affect, also, the distribution of returns to producers.

The pricing scheme set forth in the order is intended to assure an adequate, but not excessive, supply of milk for the fluid market. The supply-demand adjustment operates to reduce the price whenever the supply is excessive or to increase the price whenever supplies become short. As previously stated, milk nearest the fluid market, because of its location, should command a higher price than milk less advantageously located. Unless the pricing scheme reflects this principle far-out producers are subsidized by other producers in the market and the production pattern of the market and the effectiveness of the pricing formula itself are both adversely affected.

It is unlikely that milk, under normal circumstances, will be attracted to the Boston market from beyond the 450-mile point unless the market is seriously short of milk. Under such conditions the market administrator may declare that an emergency exists and milk may be moved from beyond the milkshed boundaries with no payments to the pool. There is no economic reason why the zone differential schedule should not be so constructed as to reflect differences in transportation costs at any point from which milk might be received. In this connection, however, there is insufficient evidence in this record to provide the basis of computing the proper differentials beyond the 450-mile point herein recommended.

No change should be made at this time in the Class II zone differential schedule presently contained in the order. The Secretary's decision of April 1952, in denying a similar proposal, pointed out that "since milk at distant plants would obviously be classified as Class II, it is particularly important to consider whether the resultant price at such points after allowing a location adjustment would be less than the prevailing level of pricing in other regions for milk used in similar products." Proponents failed to explore this problem and gave no indication of need for extending the Class II differential schedule.

6. *The basis of zoning plants and the level of zone differentials.* The evidence in this hearing strongly suggests the need for a revision in the procedure for ascertaining mileage distances in the zoning of country plants and for establishing zone differentials. Zone differentials should be generally related to differences in transportation costs. Since the record is not sufficiently complete in this regard it is recommended that no changes should be made at this time on the basis of this record and that the hearing be reopened for additional testimony within a period of approximately six months. This will permit the industry opportunity to develop further information with respect to variations in transportation cost and a method of determining highway distances from various country plants to Boston.

Zoning of country plants into 10-mile zones is presently determined on the basis of the shortest rail mileage from the railroad shipping point of the plant to Boston. Basic Class I, Class II, and blended prices are established for plants in the 21st zone. The prices applicable for the other zones are arrived at by adding or subtracting the respective zone differentials to the basic price for the 21st zone. The amount of the differential for any zone is based on the differences between the present rail freight rate for the movement of milk in tank cars from that zone and from the basic 21st zone. These rail rates are published in New England Joint Tariff M. No. 7, and are approved by the Interstate Commerce Commission. In the case of city plants, the zone differential also gives effect to an additional country plant allowance generally considered to be 13 cents, but not specifically identified in the order.

Cooperative associations representing the majority of producers in the market proposed that country plants be assigned to 10-mile zones on the basis of the shorter of highway or rail distance to Boston. They presented extensive evidence showing resulting distances and zones for all plants, giving effect to highway distances over paved, first-class, all-weather roads, as shown by maps contained in Mileage Guide No. 6, issued by Household Goods Carriers' Bureau.

The proponents contend that the present basis of zoning country plants involves use of rail mileages determined, in some cases, by roundabout routes and in others over abandoned railroad lines, that other abandonments are prospective, and that, in any event, since most of the milk that producers deliver to country plants is not actually shipped by rail it is appropriate to provide the alternative of highway mileage in zoning the plants. It is pointed out that the relative volume of milk moving to market by tank truck has increased substantially since the present scheme of zoning was adopted. Over the same period considerable mileage of track has been abandoned. Although railroads have not revised their rates from various locations to reflect the longer distances to market over existing rail lines, producers have no assurance that such revised rates may not be filed with the Interstate Commerce Commission at any time. The effect of such action upon the producers at such locations, even if none of their milk was shipped by rail, would be to decrease their blended prices by the amount of the railroads' rate increases.

Proponents further contend that the freight rates presently on file are erratic, with the result that plants located close together, but in adjacent zones may in some cases have the same differential, and in others may vary as much as 4.0 cents. As an example, testimony showed that the two off-rail country plants at Starksboro and Hinesburg, Vermont, which have never shipped by rail, and are located within 8 miles of one another on a first class road, are presently zoned two zones apart, with a resulting difference in their Class I prices to the handlers and the blended prices to the pro-

ducers of 4.5 cents per hundredweight. Proponents contend that this condition and others similar to it in other locations do not reflect comparative costs, create competitive problems for handlers, and inequities among producers. They proposed that the average differential per zone now in effect for the 24 zones between zone 12 and zone 36 be used in progressing in either direction from the basic prices established for zone 21.

They presented extensive testimony together with a detailed analysis of the results of the adoption of their proposal on both handlers' costs and producer returns.

Notwithstanding, considerable weight must be accorded arguments by opposing handlers that the proposals to assign zone differentials on the basis of one-cent per zone difference and to use highway mileages for zoning would increase total costs to handlers without any adequate measurement of actual transportation costs and differences in such costs. While it is recognized that there is no practical system of zoning Class I and blended prices that will exactly reflect to each handler his actual costs for each shipment of milk, more accurate and complete information on this point is needed before appropriate differentials may be established.

Both producers and handlers have a substantial interest in this matter, since Class I and blended prices at virtually all locations in the market would be changed somewhat and a new pattern of price relationships would emerge, with implications of relative permanency. Under these circumstances, it appears highly desirable that all segments of the industry cooperate in an effort to develop the best possible procedure for determining mileage distances in the zoning of country plants and to reflect generally in the zone differentials the actual differences in costs of transportation from the various locations. It is considered that six months should be a sufficient period for such cooperative effort by the industry, before reopening the hearing for further testimony on this issue.

**7. Assignment of local Class I sales from country plants under the Boston order** The present assignment provisions of the Boston order should be revised to provide for the assignment of local Class I sales made from a handler's country plant, for consumption in the States of Maine, New Hampshire and Vermont, to receipts of producer milk at such plant. Under the present order provisions all of a handler's Class I sales are assigned to his plants in sequence in accordance with their nearness to Boston. Hence, a handler may have substantial sales from his plant located in the 36th zone, for example, and yet pay for such milk at the 24th zone price. In the same manner it is possible that a handler may have milk which he disposed of from a country plant at local Class I sales charged at two different prices. A similar proposal for the Springfield market was considered at the hearing held in July 1951 and was subsequently adopted. The reasoning which led to the adoption of this similar provision in the Springfield order is equally applicable in the case of Boston. The

assignment of local Class I sales to the country plant from whence they originate maintains the relationship between milk prices at the various plant locations established by the order since the differences in prices are based on the differential in cost of movement to Boston.

**8. Storage cream credit under the Boston order** No allowance for storage cream should be incorporated into the Boston order at this time. Under the present pricing provisions milk disposed of in butter and cheese during the months of April through July is credited with a butter-cheese adjustment. A substantial handler in the market proposed that during such months milk disposed of in storage cream also be credited with an adjustment equal to one-half of the butter-cheese adjustment. It was contended that butter and cheese represent alternative uses of butterfat and the establishment of the proposed storage-cream allowance would encourage the storage of cream by partially compensating handlers for the extra cost and risk of storing and would tend to enhance producer returns.

Producers opposed any allowance for storage cream, pointing out that under the present Class II pricing milk is priced at the level of actual butterfat values and accordingly, the butter-cheese adjustment is very small and the establishment of a storage cream credit would be trivial. They further suggest that the encouragement of additional cream storage during the flush production months might well be reflected in reduced demands for outside butterfat in subsequent months with the result that the cream price would be depressed and producer prices reduced accordingly.

On the basis of the record it is concluded that those handlers who would primarily benefit by a storage cream credit are already substantial storers of cream. Since present Class II values under the order reflect competitive manufacturing values it is difficult to foresee why further price concessions should be necessary to encourage handlers to take full advantage of the opportunity to store cream during the flush when substantial quantities of butterfat may be available locally. Under usual circumstances Boston is a deficit cream market, even in the flush production months. It is unnecessary to provide a lower value for storage cream when local supplies are insufficient to meet current needs. It is doubtful that a storage cream allowance would have any substantial effect on the actual volume of cream moving to storage but rather would merely permit handlers presently following the practice of storing cream to obtain their storage cream requirements at a lesser price. On the other hand, if the establishment of a storage cream allowance should channel cream into storage and reduce the volume disposed of in butter and cheese, the market demand for outside cream in subsequent months would certainly be reduced with the result that producers might well receive a lesser annual return than under the present pricing.

**9. The classification of "half and half"** The provisions of the Boston and sec-



ondary market orders should be revised to recognize the product "half and half" as a fluid milk product containing less than 16 percent but not less than 10 percent butterfat. The order should provide for the classification of half and half on the assumption that 50 percent of it, by weight is milk, and the other 50 percent is cream.

Under present conditions the product herein defined as "half and half" can not be sold legally in the State of Massachusetts. However, a bill which would permit its sale has been introduced in the legislature and amendment of the orders at this time would prepare them in the event of the bill being enacted into law.

Many restaurants and similar outlets now resort to making their own "half and half" using cream and milk purchased separately from handlers in the market. Handlers contend that classification and pricing of "half and half" as Class I would deter the sale of the product and that consumers would continue this practice of making their own mixtures. They suggest that, unless the product is reasonably priced under the order, cream brokers and other presently unregulated dealers will take over this business and that administrative problems in the application of the order would be greatly increased.

Proponents indicate they expect that "half and half" will be offered for sale in consumer packages directly to consumers on retail routes and in stores and also in bulk or packaged form to hotels and restaurants, and then served as a mixture for coffee, cereals, berries and similar uses. The product will be sold in competition with other fluid milk products including milk and cream as such, and possibly evaporated and condensed milk and skim milk.

In the absence of any statute which would permit the sale of "half and half" in the State of Massachusetts it is not clear what health regulations would apply with respect to the manufacture and sale of such product. It has been the general position of the local health departments, however, that unsterilized fluid milk products must come from approved sources of supply. It is presumed that the same position will be taken in the case of "half and half" and it is therefore concluded that the milk portion of this product should be classified as Class I milk in the same manner as other fluid milk products which are required to be made from approved milk supplies. Cream is not required to come from locally approved sources and, accordingly, the cream portion of "half and half" should be classified as Class II milk.

The classification of "half and half" as 50 percent Class I milk and 50 percent Class II milk by weight will yield about the same return to producers as fresh cream and milk or skim milk when disposed of separately.

**10. Requirement for daily weight slips and notification of composite butterfat tests.** The Boston and secondary market orders should be revised to require handlers to furnish producers with daily weight slips within three days of day of delivery, and to send written notice to

producers of the result of composite butterfat tests, within seven days of the end of the sampling period.

The respective orders presently set forth no requirement for furnishing daily weight slips or the results of composite tests. They do provide, however, that in final settlement to producers each producer shall be furnished a supporting statement showing, among other things, the total deliveries of milk for the period and the average butterfat test thereof. Several cooperative associations requested that daily weight slips be required and that producers be given prompt advisement of the results of composite tests. They contend that notification at the time of final settlement gives a producer a poor basis for adequately checking the accuracy of such figures and that in cases where errors are suspected the samples have already been disposed of and the producer has no basis for requesting a recheck.

Certain handlers opposed the proposal for supplying daily weight slips and the results of composite tests on the grounds that this would substantially increase their cost of receiving milk. They argue that the present information received at time of settlement gives the producer a basis of checking weights and tests.

While State laws in Massachusetts and New Hampshire require the furnishing of daily weight slips, and New York and Vermont laws require it on request, the practice is not uniformly followed.

The record indicates that while certain handlers in the markets presently furnish daily weight slips, others do not. Under usual circumstances the weight slips can be promptly returned to the producer through the hauler and at little or no additional expense to the handler. In this connection, except in the case where the hauler is an employee of the handler, the handler should be considered as having discharged his responsibility when the weight slips are turned over to the hauler. Receipt of daily weight slips should be a substantial aid to the producer in keeping check on actual volumes delivered and should minimize errors and controversy over weights, thus facilitating the administration of the order. The three-day requirement should be adequate even in cases where the handler might desire to mail rather than to rely on the hauler to deliver the slips to producers.

Unless a producer is advised promptly of the results of his composite tests it is difficult for him to verify his butterfat tests. The record indicated that handlers generally follow the practice of having two complete sets of sample bottles. Under usual circumstance samples are retained for several days after testing and are dumped just prior to the end of the succeeding sample period. Testing is generally done promptly following the close of the sampling period.

As in the case of weight slips, State laws vary considerably in requirements for the notification of producers, time of making tests, and time for holding composites. While producer proponents feel that 5 days should be an adequate time for a handler to make his composite tests and to notify producers the record tends to support a somewhat longer time.

Accordingly, it is concluded that a 7-day limit should be provided. This should give producers sufficient time in which to request a check test before the sample would normally be disposed of and should create no hardship for the handler.

It was proposed at the hearing that producers be notified of the results of their test only when such test varies as much as two points from the previous period. It is concluded that a more effective program will be maintained when the producer receives positive notification each period of the actual test of milk delivered.

**11. Uniform market service provisions.** No change should be made in the marketing service program under the secondary market orders and no provision requiring marketing service to producers who are not members of a cooperative association should be incorporated into the Boston order at this time. At the present time the secondary market orders provide for regular marketing service programs financed by specified deductions from producers. Under the Boston order a limited check testing program and market information program is carried on with administrative funds. Certain cooperative associations proposed that either the marketing service program under the secondary market orders be dropped or that such a program be initiated for nonmember producers under the Boston order.

The act is specific with reference to a marketing service deduction, the language being permissive, rather than mandatory. The lack of a comprehensive program in Boston is not a reasonable argument for discontinuation of the secondary market programs. The effectiveness of the secondary market programs is, however, a strong endorsement for a program in the Boston market. As was previously indicated in the Secretary's decision of March 8, 1954, on issues considered at a previous hearing there appears to be a real need for a comprehensive marketing service program under the Boston order. However, the establishment of such a program in the Boston market is a substantial undertaking and should be initiated only after careful planning and study to determine the type of program which would be desirable, and the extent of personnel and funds which would be necessary to carry it out. The record evidence is insufficient to permit any definite conclusion on these matters and it is concluded that no action should be taken on this issue on the basis of this record.

**12. Pooling qualifications under the secondary market orders.** The proposal to amend the secondary market orders to permit a plant to qualify for pooling in the March-September period, without having been pooled during the prior October-February period, if it met the secondary market requirements during such October-February period, except that it was a pool plant under the Boston order, should be adopted. It is not unusual, particularly in the case of Worcester and Merrimack Valley, for a handler to do business both in the Boston and the secondary market area. The secondary market orders, as constructed,

recognize Boston as the primary market and a plant meeting pooling requirements under both of two orders (including Boston) becomes a Boston pool plant. Hence, a city plant doing 80 percent of its Class I business in the Worcester area, for example, and only 10 percent in the Boston area, becomes a Boston pool plant. If during any month of the July-March period it failed to dispose of 10 percent of its Class I sales in the Boston area it would automatically become a nonpool plant under the Boston order in the following April-June period. At the same time, even though doing 80 percent of its business in the Worcester area it would also be a nonpool plant under this order during March through September because of its Boston affiliation during the October-February period.

Under the above circumstances a plant would have been a bona fide pool plant under the Worcester order throughout the year if it had not met the minimum Boston requirements. The orders should not be so constructed as to discourage competition for consumer sales. Adoption of the proposal will permit greater flexibility of handler operations between markets while at the same time preserving continued pool status as long as minimum pooling requirements are met.

13. *Revision of secondary market butterfat differentials.* The method for computing the producer butterfat differential under the secondary market orders should be revised to correspond with the differential computation under the Boston order. Under the present order provisions, in any month in which no weighted average cream price is reported, the procedure for the computation of the butterfat differential is identical in all markets. When the cream price is reported the Boston order requires the subtraction of 52.5 cents from such price, a division by 33 and then by 10. The subtraction of 52.5 cents is equivalent to 1.59 cents per pound of fat. Under the secondary market orders the cream price is first divided by 33, 1.5 cents is then subtracted and the result divided by 10.

Prior to January 1, 1949 the computation of the Boston butterfat differential was generally similar to that presently set forth in the secondary market orders. This procedure was changed to reflect more nearly current freight rates applicable to movements of cream from the 21st zone. The resulting butterfat differential under the two procedures is identical in most months but occasionally the difference in procedure causes the secondary market differential to be one-tenth of a cent higher than Boston. Actually, in only 4 out of the 39 months immediately subsequent to December 1951 was there a difference. The adoption of a uniform procedure will have virtually no effect on producer returns, will be of substantial convenience to handlers, and will facilitate the audit program of the market administrator. It is therefore concluded that the Boston differential computation should be adopted in each of the three secondary markets.

14. *Diversion privileges in the secondary markets.* The proposal to amend the definition of "dairy farmer for other

markets," under the secondary market orders, to eliminate the three-day tolerance on receipts at a nonpool plant, should be adopted. The three-day tolerance, as originally contained in the Boston and secondary market orders, was intended to protect both producers and handlers in the case of accidental or emergency situations which might result in the receipt of producer milk as nonpool milk. The orders as now constructed permit the free movement of milk from farm to nonpool plant on a diversion basis without loss of producer status and there is no further need for the tolerance to protect producer status. The comparable provision was deleted from the Boston order in July 1952 and now should be deleted from the secondary market orders.

The language of the producer definition under the secondary market orders should not be changed to permit indefinite diversions. Diversions are presently permitted on a limited basis; however, it is specified that the milk ordinarily must be delivered to a handler's pool plant. In the case of extended diversions the problem becomes one of determining when milk shall be considered as being "ordinarily delivered" to a handler's plant. The market administrator has determined this to mean more than half of the time. A cooperative association representing the majority of producers under the secondary market orders proposed that the order language be made permissive to allow indefinite diversion to the city plant of a cooperative association, if a handler so desired.

In support of the proposal a spokesman for the cooperative association pointed out that the association handles the bulk of the surplus in the secondary markets. He indicated that the effect on the pool is the same whether the milk is diverted to the association's plant or a producer is dropped by the handler and subsequently picked up by the association. In either case the milk ends up in the association's plant and is accounted for according to use. The handler who actually receives the milk at his fluid milk plant is held responsible for weighing, testing, and accounting for such milk and paying the producers. If a handler has no outlet for milk and accordingly diverts it to the association over an extended period of time it would appear desirable that the association which actually received the milk should be held the responsible handler.

15. *Revision of the outside milk definition.* The proposal to exempt from the definition of outside milk in the Worcester and Merrimack Valley orders any Class I milk which is disposed of to consumers in the marketing area covered by the other order, without its intermediate movement to another plant, should be adopted. Also, the outside milk definition of the Boston order should be revised to permit credit for direct sales of Class I milk by Merrimack Valley handlers to consumers in the Boston marketing area to accrue to the Merrimack Valley pool.

The several New England orders operating under marketwide pooling arrangements are generally so constructed as to permit the free movement of milk

between markets. Handlers operating in one market are free to dispose of milk to handlers operating in any one of the other markets. In addition, Boston handlers are free to dispose of milk directly to consumers in the Merrimack Valley and Worcester markets. Worcester handlers may make similar sales in either Boston or Springfield, and in like manner, Springfield handlers may sell in the Worcester market. In each case producers in the originating market receive credit for such direct consumer sales.

If a handler in one of these markets extends his routes and makes sales directly to consumers in another nearby Federally regulated market such sales should be considered as a part of the fluid milk sales for which producers delivering to such handler receive the Class I price. While it is unlikely, with the present marketing area boundaries, that Worcester handlers would run routes into the Merrimack Valley area, and vice versa, the orders should be permissive so that handlers may do so if they so desire. While no proposal was made at this hearing it would seem desirable that at some future date consideration should also be given to changing the respective orders to permit interchange of sales to consumers between Springfield and Merrimack Valley or Boston.

The outside milk definition under the Merrimack Valley order should be further revised specifically to exclude "exempt milk." Under the present language milk received at a regulated plant from an unregulated plant now may meet the definition of both "outside milk" and "exempt milk." To resolve this conflict in line with the intent of the exempt milk provision, the market administrator has ruled that such milk which actually meets all of the exempt milk requirements shall be treated as exempt milk. The Boston, Worcester and Springfield orders are specific in this regard and it is obvious that no different treatment was intended under the Merrimack Valley order. The specific exception of exempt milk under the outside milk definition will make the four orders consistent in this regard.

16. *Extension of the Worcester nearby differential area.* The nearby differential area under the Worcester order should be extended to include the towns of Vernon, Vermont, and Hinsdale, New Hampshire. A handler in the Worcester market proposed this extension contending that he obtains a considerable part of his supply from the immediately adjacent area in Massachusetts and that the addition of these towns would permit a natural extension of his pickup routes. Under present circumstances he cannot obtain milk in these towns without payment of substantial premiums.

The two towns in question are part of the nearby differential area under the Springfield order. The nearby differential areas for Springfield and Worcester generally coincide and for competitive reasons it is desirable that producers qualifying for the differential under one order should likewise be in a position to qualify under the other. This position

was supported by the cooperative association representing the majority of producers in the market.

No extension of the nearby differential areas in Rhode Island or Connecticut should be made on the basis of this record. Extensions in this direction were proposed in anticipation of possible extension of the Worcester marketing area. No extension of the marketing area is herein recommended.

17. *Reduction of Worcester country plant shipping requirements.* No reduction should be made at this time in the minimum country plant shipping requirements for pooling under the Worcester order. There is at present only one country plant in the Worcester pool and there is no indication that this plant has experienced any difficulties in meeting the established 50 percent shipping requirement. Proponents of the proposal to lower the requirement to 30 percent gave no indication of any plan to add a country plant in the Worcester pool but assert that it is illogical to maintain a different requirement than that established under both the Springfield and Merrimack Valley orders. The shipping requirements in these markets were established to permit the continued pooling of plants having long time bona fide relationship with the respective markets, and it is therefore unnecessary to reduce the Worcester requirements merely for the purpose of uniformity.

The interrelationship of pooling requirements among the New England markets does call for further study and it may be desirable that the shipping requirement in Worcester be re-examined at some later date as part of the broader problem.

18. *Remission in "dealer" definition under the Merrimack Valley order.* The proposal to revise the "dealer" definition under the Merrimack Valley order to make the operation of a plant a requirement for dealer status should be adopted. Under the present provision a peddler qualifies as a dealer, and is excluded from the consumer definition. This can and does have a direct bearing on a country plant's ability to meet the shipping requirements of the order. Class I sales directly to consumers outside the marketing area are deductible from total receipts in determining whether the shipping requirement has been met, but the proponent, Hayward Farms, which plans to operate a country plant under the order, faces considerable difficulty in meeting minimum pooling requirements since its sales to peddlers outside the marketing area cannot presently be considered as sales to consumers.

The fact that a handler disposes of bottled fluid milk by direct sale to a number of individual peddlers rather than on his own routes should be of no consequence under the order. In either situation the milk is received from producers and is processed and bottled in the plant of the receiving handler whom the market administrator holds fully responsible for accounting to the pool and payment to producers. The Boston, Springfield and Worcester orders all provide that a "dealer" must operate a plant and, accordingly, that all sales to peddlers are direct sales to consumers.

There is no logical reason why a different treatment should be accorded such sales under the Merrimack Valley order.

19. *Receiving plant status for farm tank pickup truck operation under the Worcester order.* The provisions of the Worcester order should not be changed to give receiving plant status to the operator of a farm tank pickup truck. The proposal in this regard was made by a nonhandler under the order and was unsupported by either pool handlers or by producers. The transition from can shipping to bulk farm tank operations probably will create many administrative problems; however, at this time there is no indication that serious difficulties have been encountered. In any event, it seems probable that problems developing in the Worcester market will also be prevalent in the Boston and the other secondary markets and accordingly, the possible impacts of bulk farm tank operation should be approached on a New England wide basis. Such an approach is not possible on the basis of proposals under consideration at this hearing.

20. *The application of the exempt milk definition under the Worcester order.* No change should be made in the application of the exempt milk definition under the Worcester order. Under the present order provisions milk received in bulk from an unregulated plant, or from a dairy farmer who produced it, for processing and bottling, and for which an equivalent quantity of packaged milk is returned during the same month, is considered as exempt milk and is excluded from the pricing provisions of the order. A dealer operating in the territory beyond the present limits of the marketing area proposed that the order provisions be revised, in whatever means might be necessary, to permit a similar handling of milk for skim milk, butter-milk and flavored milk. The proposal was not supported by either handlers or producer, and there was no showing why such provision was needed or how the proposed change could in any way affect the operations of the proponent unless an extension of the marketing area were contemplated.

21. *Other miscellaneous changes.* Other proposals considered at the hearing and herein recommended for adoption are largely nonsubstantive in nature. They would clarify present order language and provide identical wording for similar provisions in the several orders where there is no question of intent of meaning and where administration thereof is the same. Obsolete language would be deleted and the detail of the feed price computation under the Class I price computation, which is presently carried out under a determination of equivalency, would be incorporated in the pricing provisions.

A substantial handler doing business in the Boston and three secondary markets proposed at the hearing that the market administrator be given authority to approve and accept certain deviations from the usual calendar month requirements of reporting and accounting under the respective orders. It was asserted that such latitude would result in a sub-

stantial saving and greater efficiency of operation on the part of the proponent and would give a more realistic statistical series and supply-demand adjuster for the market as a whole.

While it seems likely that the proposed change in reporting and accounting would be helpful in the compilation and application of market statistics by eliminating the variations due to difference in number of days in the several months, such change could be accomplished only if made at one time by all handlers in the market. This, of course, would be a substantial deviation from the manner in which handlers presently keep their books and records and interested parties were not on notice that such a proposal was under consideration. Accordingly, no such change could be considered on the basis of this hearing record.

*General findings.* (a) The proposed marketing agreements and the orders, now in effect, and as hereby proposed to be amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The proposed marketing agreements and the orders, now in effect, and as hereby proposed to be amended, regulate the handling of milk in the same manner as, and are applicable only to persons in the respective classes of industrial and commercial activity specified in a proposed marketing agreement and order upon which a hearing has been held;

(c) The parity prices of milk as determined pursuant to Section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the respective marketing areas, and the minimum prices specified in the proposed marketing agreements and in the orders, now in effect, and as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk in each of said marketing areas, respectively, and be in the public interest.

*Rulings on proposed findings and conclusions.* Briefs were filed on behalf of interested parties. The briefs contained suggested findings of fact, conclusions, and arguments with respect to the proposals considered at the hearing. Every point covered in the briefs was carefully examined along with the evidence in the record in making the findings and reaching the conclusions hereinbefore set forth. To the extent that the suggested findings and conclusions are inconsistent with the findings and conclusions contained herein the request to make such findings or to reach such conclusions is denied.

*Recommended marketing agreements and orders.* The following proposed amended orders are recommended as the detailed and appropriate means by which these conclusions may be carried out. The proposed marketing agreements are not included in this decision because the regulatory provisions thereof would be the same as those contained in the proposed amendments to the respective orders:

## BOSTON ORDER

## DEFINITIONS

§ 904.1 *General definitions.* (a) "Act" means Public Act No. 10, 73d Congress, as amended, and reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended.

(b) "Greater Boston, Massachusetts, marketing area," also referred to as the "marketing area," means the territory included within the boundary lines of the following Massachusetts cities and towns:

Arlington.	Needham.
Bedford.	Newton.
Belmont.	Peabody.
Beverly.	Quincy.
Boston.	Reading.
Braintree.	Revere.
Brookline.	Salem.
Cambridge.	Saugus.
Chelsea.	Somerville.
Dedham.	Stoneham.
Everett.	Swampscott.
Framingham.	Wakefield.
Lexington.	Waltham.
Lynn.	Watertown.
Malden.	Wayland.
Marblehead.	Wellesley.
Medford.	Weston.
Melrose.	Weymouth.
Milton.	Winchester.
Nahant.	Winthrop.
Natick.	Woburn.

(c) "Month" means a calendar month.

(d) "Marketing year" means the twelve months' period from August 1 of each year through July 31 of the following year.

(e) "Emergency period" means the period of time for which the market administrator declares that an emergency exists in that the milk supply available to the marketing area from producers is insufficient to meet the demand for Class I milk in the marketing area.

§ 904.2 *Definitions of persons.* (a) "Person" means any individual, partnership, corporation, association, or any other business unit.

(b) "Secretary" means the Secretary of Agriculture of the United States or any officer or employee of the United States who is, or who may hereafter be, authorized to exercise the powers and perform the duties of the Secretary of Agriculture.

(c) "Dairy farmer" means any person who delivers bulk milk of his own production to a plant.

(d) "Dairy farmer for other markets" means any dairy farmer whose milk is received by a handler at a pool plant during April, May, or June from a farm from which the handler, an affiliate of the handler, or any person who controls or is controlled by the handler, received nonpool milk during any of the preceding months of July through March, except that the term shall not include any person who was a producer-handler during any of the preceding months of July through March.

(e) "Producer" means any dairy farmer whose milk is delivered from his farm to a pool plant, except a dairy farmer for other markets and a dairy farmer with respect to exempt milk delivered. The term shall also include a dairy farmer with respect to his oper-

ation of a farm from which milk is ordinarily delivered to a handler's pool plant, but whose milk is diverted to another plant, if the handler, in filing his monthly report pursuant to § 904.30, reports the milk as receipts from a producer at such pool plant and as moved to the other plant. The term shall not apply to a dairy farmer who is a producer under the Springfield, Merrimack Valley, or Worcester orders, with respect to milk diverted from the plant subject to the other order to which the dairy farmer ordinarily delivers.

(f) "Association of producers" means any cooperative marketing association which the Secretary determines to be qualified pursuant to the provisions of the act of Congress of February 18, 1922, known as the "Capper-Volstead Act," and to be engaged in making collective sales or marketing of milk or its products for the producers thereof.

(g) "Handler" means any person who, in a given month, operates a pool plant, or any other plant from which fluid milk products are disposed of, directly or indirectly, in the marketing area.

(h) "Pool handler" means any handler who operates a pool plant.

(i) "Producer-handler" means any person who is both a handler and a dairy farmer and who receives milk of his own production only from farms located within 80 miles of the State House in Boston, and who receives no milk, other than exempt milk, from other dairy farmers except producer-handlers.

(j) "Buyer-handler" means any handler who operates a bottling or processing plant from which more than 10 percent of his total receipts of fluid milk products, other than cream, are disposed of by him as Class I milk in the marketing area, and whose entire supply of fluid milk products is received from other handlers.

(k) "Dealer" means any person who operates a plant at which he engages in the business of distributing fluid milk products, or manufacturing milk products, whether or not he disposes of any fluid milk products in the marketing area.

(l) "Consumer" means any person to whom fluid milk products are disposed of, except a dealer. The term "consumer" includes, but is not limited to, stores, restaurants, hotels, bakeries, hospitals and other institutions, candy manufacturers, soup manufacturers, livestock farmers, and similar persons who are not necessarily the ultimate users. The term also includes any dealer in his capacity as the operator of any of these establishments, and in connection with any other use or disposition of fluid milk products not directly related to his operations as a dealer.

§ 904.3 *Definitions of plants.* (a) "Plant" means the land, buildings, surroundings, facilities and equipment, whether owned or operated by one or more persons, constituting a single operating unit or establishment for the receiving, handling, or processing of milk or milk products.

(b) "City plant" means any plant which is located not more than 40 miles from the State House in Boston.

(c) "Country plant" means any plant which is located more than 40 miles from the State House in Boston.

(d) "Receiving plant" means any plant which is currently used for receiving, weighing or measuring, sampling, and cooling milk received there directly from dairy farmers' farms in cans, and for washing and sterilizing such cans; or which is currently used for receiving milk directly from dairy farmers' farms by tank truck; and at which are currently maintained weight sheets or other records of the individual farmers' deliveries.

(e) "Pool plant" means any receiving plant which, in a given month, meets the conditions and requirements set forth in § 904.20 for being considered a pool plant in that month.

(f) "Regulated plant" means any pool plant; any pool handler's plant which is located in the marketing area and from which Class I milk is disposed of in the marketing area, any plant operated by a handler in his capacity as a buyer-handler or producer-handler.

(g) "Distributing plant" means any plant from which Class I milk in the form of milk is disposed of to consumers in the marketing area without intermediate movement to another plant.

(h) "New York order pool plant" means any plant designated as a pool plant in accordance with the provisions of Order No. 27, issued by the Secretary, regulating the handling of milk in the New York metropolitan marketing area.

§ 904.4 *Definitions of milk and milk products.* (a) "Milk" means the commodity received from a dairy farmer at a plant as cow's milk. The term also includes milk so received which later has its butterfat content adjusted to at least one-half of one percent but less than 10 percent; frozen milk; reconstituted milk; and 50 percent of the quantity, by weight, of "half and half."

(b) "Cream" means that portion of milk, containing not less than 16 percent of butterfat, which rises to the surface of milk on standing, or is separated from it by centrifugal force. The term also includes sour cream; frozen cream; milk and cream mixtures containing 16 percent or more of butterfat; and 50 percent of the quantity, by weight, of "half and half."

(c) "Half and half" means any fluid milk product, except concentrated milk, the butterfat content of which has been adjusted to at least 10 percent but less than 16 percent.

(d) "Skim milk" means that fluid product of milk which remains after the removal of cream, and which contains less than one-half of one percent of butterfat.

(e) "Fluid milk products" means milk, flavored milk, cream, skim milk, flavored skim milk, cultured skim milk, buttermilk, and concentrated milk, either individually or collectively.

(f) "Pool milk" means milk, including milk products derived therefrom, which a handler has received as milk from producers.

(g) "Outside milk" means:

(1) All milk received from dairy farmers for other markets;



(2) All fluid milk products, other than cream, received at a regulated plant from an unregulated plant, up to the total quantity of nonpool milk received at the unregulated plant; except exempt milk, emergency milk, and receipts from New York order pool plants which are assigned to Class I milk pursuant to § 904.27;

(3) All Class I milk, after subtracting receipts of Class I milk from regulated plants, which is disposed of to consumers in the marketing area from an unregulated plant, except a regulated plant under the Merrimack Valley or Worcester orders, without its intermediate movement to another plant.

(h) "Concentrated milk" means the concentrated, unsterilized milk product, resembling plain condensed milk, which is disposed of to consumers for human consumption in fluid form.

(i) "Exempt milk" means milk which is received at a regulated plant:

(1) In bulk from an unregulated plant, or from the dairy farmer who produced it, for processing and bottling, and for which an equivalent quantity of packaged milk is returned to the dairy farmer or to the operator of the unregulated plant during the same month; or

(2) In packaged form from an unregulated plant in return for an equivalent quantity of bulk milk moved from a regulated plant for processing and bottling during the same month.

(j) "Emergency milk" means fluid milk products, other than cream, received at a regulated plant during an emergency period from a plant which was an unregulated plant in the month immediately preceding the month in which the emergency period became effective.

#### MARKET ADMINISTRATOR

§ 904.10 *Designation of market administrator* The agency for the administration of this order shall be a market administrator who shall be a person selected by the Secretary. Such person shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 904.11 *Powers of market administrator* The market administrator shall have the following powers with respect to this order:

(a) To administer its terms and provisions;

(b) To make rules and regulations to effectuate its terms and provisions;

(c) To receive, investigate, and report to the Secretary complaints of violations of its terms and provisions; and

(d) To recommend to the Secretary amendments to it.

§ 904.12 *Duties of market administrator* The market administrator, in addition to the duties described in other sections of this order, shall:

(a) Within 45 days following the date upon which he enters upon his duties, execute and deliver to the Secretary a bond conditioned upon the faithful performance of his duties, in an amount and with sureties thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to exercise his powers and perform his duties;

(c) Pay, out of the funds provided by § 904.72, the cost of his bond, his own compensation, and all other expenses necessarily incurred in the maintenance and functioning of his office;

(d) Keep such books and records as will clearly reflect the transactions provided for in this order and surrender the same to his successor, or to such other person as the Secretary may designate;

(e) Prepare and disseminate for the benefit of producers, consumers, and handlers, statistics and information concerning the operation of this order;

(f) Promptly verify the information contained in the reports submitted by handlers; and

(g) Give each of the producers delivering to a plant, as reported by the handler, prompt written notice of his actual or potential loss of producer status for the first month of the marketing year in which the plant's status has changed or is changing to that of a nonpool plant.

#### CLASSIFICATION

§ 904.15 *Classes of utilization* All milk and milk products received by a handler shall be classified as Class I milk or Class II milk. Subject to §§ 904.16, 904.17, and 904.18, the classes of utilization shall be as follows:

(a) Class I milk shall be:

(1) All fluid milk products sold, distributed, or disposed of as or in milk;

(2) All fluid milk products sold, distributed, or disposed of for human consumption as or in flavored milk, skim milk, flavored or cultured skim milk, or buttermilk;

(3) Ninety-eight percent, by weight, of the fluid milk products used to produce concentrated milk; and

(4) All fluid milk products the utilization of which is not established as Class II milk.

(b) Class II milk shall be all fluid milk products the utilization of which is established:

(1) As being sold, distributed, or disposed of other than as specified in subparagraphs (1) (2) and (3) of paragraph (a) of this section; and

(2) As plant shrinkage, not in excess of 2 percent of the volume handled.

§ 904.16 *Classification of milk and milk products utilized at regulated plants of pool handlers and buyer-handlers* Subject to §§ 904.17 and 904.29 (a) milk and milk products received at a regulated plant of any pool handler or buyer-handler shall be classified in accordance with their utilization at such plant.

§ 904.17 *Classification of fluid milk products, other than cream, moved to other plants* Any fluid milk product, except cream, which is moved from a regulated plant of a pool handler or a buyer-handler to any other plant shall be classified as follows:

(a) If moved to a producer-handler's plant or an unregulated plant, it shall be classified as Class I milk up to the total quantity of the same form of fluid milk products so moved which is utilized as Class I milk at that plant.

(b) If moved to a producer-handler's plant or to an unregulated plant and thence to another plant, it shall be classified by applying § 904.16 or paragraph (a) of this section, whichever is applicable, except that if the other plant to which such movement is made is located outside of the New England States and New York State, it shall be classified as Class I milk.

§ 904.18 *Responsibility of handlers in establishing the classification of milk* In establishing the classification of any milk received by a handler from producers, the burden rests upon the handler who receives the milk from producers to account for the milk and to prove that such milk should not be classified as Class I milk.

#### DETERMINATION OF POOL PLANT STATUS

§ 904.20 *Basic requirements for pool plant status* Subject to the provisions of § 904.21 each receiving plant shall be a pool plant in the first month in which the handler operates it in conformity with the basic requirements specified in this section, and shall thereafter be a pool plant for the remaining months of the marketing year in which it is operated by the same handler. The basic requirements for acquiring pool plant status shall be as follows:

(a) A majority of the dairy farmers delivering milk to the plant hold certificates of registration issued pursuant to Chapter 94, sections 16C and 16G, of the Massachusetts General Laws.

(b) The handler operating the plant holds a license which has been issued by the milk inspector of a city or town in the marketing area, pursuant to Chapter 94, Section 40, of the Massachusetts General Laws, or a majority of the dairy farmers delivering milk to the plant are approved by such an inspector as sources of supply for milk for sale in his municipality.

(c) Class I milk in the form of milk is disposed of in the marketing area from the plant.

(d) The handler's total Class I milk in the marketing area exceeds 10 percent of his total receipts of fluid milk products other than cream.

§ 904.21 *Conditions resulting in non-pool plant status* Each receiving plant shall be a nonpool plant under any of the following conditions:

(a) Each plant which has acquired pool plant status but from which no Class I milk in the form of milk is disposed of in the marketing area for two successive months in the marketing year shall be a nonpool plant in the second of the two months and for each consecutive succeeding month of the marketing year during which no such Class I disposition is made.

(b) Each nondistributing plant for which the market administrator has received on or before the 16th day of the preceding month the handler's written request for nonpool plant designation shall be a nonpool plant in each month of the marketing year to which the request applies.

(c) Each city distributing plant operated by a handler who operates no other plant which is a pool plant in the same



month shall be a nonpool plant in any month in which the handler's total Class I milk in the marketing area does not exceed 10 percent of his total receipts of fluid milk products other than cream.

(d) Each plant which is operated as the plant of a producer-handler shall be a nonpool plant in any month in which it is so operated.

(e) Each plant which is operated as a New York order pool plant or as a plant from which emergency milk is received shall be a nonpool plant during the month or portion of a month of such operation.

(f) Each of a handler's plants which is a nonpool receiving plant during any of the months of July through March, shall be a nonpool plant in any of the immediately succeeding months of April through June in which it is operated by the same handler, an affiliate of the handler, or any person who controls or is controlled by the handler, unless its operation during July through March was in the handler's capacity as a producer-handler.

§ 904.22 *Disposition of Class I milk in the form of milk in the marketing area.* For the purpose of determining whether a plant has met the conditions and requirements for being considered a pool plant, each plant from which milk is moved at some time during the month to another plant from which Class I milk in the form of milk is disposed of in the marketing area shall itself be considered to have made such a disposition, except that no movement of milk to any unregulated nondistributing plant shall be considered a disposition of Class I milk in the form of milk in the marketing area.

§ 904.23 *Total receipts of fluid milk products other than cream.* For the purpose of determining whether a plant has met the conditions and requirements for being considered a pool plant, each handler's total receipts of fluid milk products other than cream, referred to in this section as "total receipts," shall be determined as follows:

(a) For each month of the marketing year until and including the first month in which the handler is a pool handler, his total receipts shall be the receipts at all plants from which Class I milk in the form of milk is disposed of in the marketing area, except his receipts at any plant which fails to meet the applicable standards set forth in § 904.20 (a) and (b) or which is a nonpool plant pursuant to § 904.21 (b).

(b) For each of the other months of the marketing year, the handler's total receipts shall be the total receipts determined pursuant to paragraph (a) of this section plus the receipts at any other of his plants which is a pool plant in such month.

#### ASSIGNMENT OF RECEIPTS TO CLASSES

§ 904.25 *General assignment provisions.* Except as provided in §§ 904.26 through 904.29, all receipts of fluid milk products, other than receipts from producers, shall be assigned to Class I milk or Class II milk as follows:

(a) Receipts as to which Class II use is established shall be assigned to Class II milk.

(b) All other receipts shall be assigned to Class I milk.

§ 904.26 *Assignment of receipts of exempt milk.* All receipts of exempt milk shall be assigned to Class I milk.

§ 904.27 *Assignment of receipts from New York order pool plants.* Receipts from New York order pool plants shall be assigned to Class II milk, except as provided in § 904.28, and except that receipts during the months of August through March which are classified and priced in Class I-A or I-B under the New York order shall be assigned to Class I milk.

§ 904.28 *Assignment of receipts of emergency milk.* Emergency milk received by a handler whose total use of Class II milk is in excess of 10 percent of the total volume of fluid milk products, other than cream, handled by him shall be assigned to Class II milk to the extent of such excess. For the purpose of this section, the handler's total Class II milk and total volume handled shall be the total of the respective quantities from the first day on which emergency milk is received by the handler during the month up to and including the last such day in the month. If the quantity of emergency milk as to which specific Class II use is established is greater than the quantity otherwise assigned to Class II milk pursuant to this section, such greater quantity shall be assigned to Class II milk. Receipts of emergency milk not assigned to Class II milk shall be assigned to Class I milk.

§ 904.29 *Assignment of other types of receipts.* (a) Subject to the provisions of §§ 904.47 and 904.65, all receipts of outside milk shall be considered as receipts of Class II milk, and shall be assigned to that class without regard to the specific use of such receipts.

(b) All receipts of cream, and milk products other than fluid milk products, shall be assigned to Class II milk.

(c) All receipts of skim milk in bulk from producer-handlers shall be assigned to Class II milk.

#### REPORTS OF HANDLERS

§ 904.30 *Pool handlers' reports of receipts and utilization.* On or before the 8th day after the end of each month each pool handler shall, with respect to the fluid milk products received by the handler during the month, report to the market administrator in the detail and form prescribed by the market administrator, as follows:

(a) The receipts of milk at each pool plant from producers, including the quantity, if any, received from his own production,

(b) The receipts of fluid milk products at each plant from any other handler, assigned to classes pursuant to §§ 904.25 through 904.29.

(c) The receipts of outside milk and exempt milk at each plant; and

(d) The respective quantities which were sold, distributed, or used, including sales to other handlers and dealers, classified pursuant to §§ 904.15 through 904.18.

§ 904.31 *Reports of nonpool handlers.* Each nonpool handler shall file with the

market administrator reports relating to his receipts and utilization of fluid milk products. The reports shall be made at the time and in the manner prescribed by the market administrator, except that any handler who receives outside milk during any month shall file the report on or before the 8th day after the end of the month.

§ 904.32 *Reports regarding individual producers.* (a) Within 20 days after a producer moves from one farm to another, starts or resumes deliveries to any of a handler's pool plants, or starts delivering his milk to the handler's plant by tank truck, the handler shall file with the market administrator a report stating the producer's name and post office address, the date on which the change took place, and the farm and plant locations involved. The report shall also state, if known, the plant to which the producer had been delivering prior to starting or resuming deliveries.

(b) Within 15 days after the 5th consecutive day on which a producer has failed to deliver to any of a handler's pool plants, the handler shall file with the market administrator a report stating the producer's name and post office address, the date on which the last delivery was made, and the farm and plant locations involved. The report shall also state, if known, the reason for the producer's failure to continue deliveries.

(c) Each handler who is not an association of producers shall, upon request from any such association, promptly furnish it with information with respect to each of its producer members who starts, resumes, or stops deliveries to any of the handler's pool plants. Such information shall include the date on which the change took place, the producer member's post office address and farm location, and, if known, the plant to which he previously delivered, or the reason for his failure to continue deliveries. In lieu of his providing the information directly to the association, the handler may authorize the market administrator to furnish the association with such information, derived from the handler's reports and records.

§ 904.33 *Reports of payments to producers.* Each pool handler shall submit to the market administrator, within 10 days after his request made not earlier than 20 days after the end of the month, his producer payroll for such month, which shall show for each producer:

(a) The daily and total pounds of milk delivered with the average butterfat test thereof; and

(b) The net amount of such handler's payments to such producer with the prices, deductions, and charges involved.

§ 904.34 *Maintenance of records.* Each handler shall maintain detailed and summary records showing all receipts, movements, and disposition of milk and milk products during the month, and the quantities of milk and milk products on hand at the end of the month.

§ 904.35 *Verification of reports.* For the purpose of ascertaining the correctness of any report made to the market administrator as required by this order

or for the purpose of obtaining the information required in any such report where it has been requested and has not been furnished, each handler shall permit the market administrator or his agents, during the usual hours of business, to:

(a) Verify the information contained in reports submitted in accordance with this order;

(b) Weigh, sample, and test milk and milk products; and

(c) Make such examination of records, operations, equipment, and facilities as the market administrator deems necessary for the purpose specified in this section.

**§ 904.36 Retention of records.** All books and records required under this order to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the calendar month to which such books and records pertain: *Provided*, That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. The market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

**§ 904.37 Notices to producers.** Each pool handler shall furnish each producer from whom he receives milk with information regarding the daily weight and composite butterfat test of the producer's milk, as follows:

(a) Within 3 days after each day on which he receives milk from the producer, the handler shall give the producer written notice of the daily quantity so received.

(b) Within 7 days after the end of any sampling period for which the composite butterfat test of the producer's milk was determined, the handler shall give the producer written notice of such composite test.

**§ 904.38 Outside cream purchases.** Each handler shall report, as requested by the market administrator, his purchases, if any, of bottling quality cream from nonpool handlers, showing the quantity and the source of each such purchase and the cost thereof at Boston.

#### MINIMUM CLASS PRICES

**§ 904.40 Class I price.** The Class I price per hundredweight at plants located in zone 21 shall be the New England basic Class I price per hundredweight determined for each month pursuant to § 904.48.

**§ 904.41 Class II price.** The Class II price per hundredweight at plants located in zone 21 shall be determined for each month pursuant to this section.

(a) Subject to § 904.43 (c) subtract 52.5 cents from the weighted average

price per 40-quart can of 40 percent bottling quality cream f. o. b. Boston, as reported by the United States Department of Agriculture for the month, divide the remainder by 33, multiply by 0.98, and multiply the result by 3.7.

(b) Multiply by 7.85 the simple average of the prices per pound of roller process and spray process nonfat dry milk solids for human consumption, in carlots, f. o. b. Chicago area manufacturing plants, as reported by the United States Department of Agriculture for the period from the 26th day of the preceding month through the 25th day of the month during such milk is delivered.

(c) Add the results obtained in paragraphs (a) and (b) of this section, and from the sum subtract the amount shown below for the applicable month. Subject to paragraph (d) of this section, the result is the Class II price per hundredweight for milk received from producers at plants located in zone 21.

Month:	Amount (cents)
January and February	67
March and April	79
May and June	85
July	79
August and September	73
October, November, and December	67

(d) For each month in which no cream price, as described in paragraph (a) of this section, is reported, and for each month in which the amount determined pursuant to this paragraph is greater than the amount computed pursuant to paragraph (c) of this section, the amount determined pursuant to this paragraph shall be the Class II price per hundredweight of milk received from producers at plants located in zone 21.

(1) Divide the average price for milk for manufacturing purposes, f. o. b. plants United States as reported on a preliminary basis by the United States Department of Agriculture for the month, by the average butterfat test of such milk and multiply by 3.7.

(2) Adjust the result obtained in subparagraph (1) of this paragraph by the amount shown below for the applicable month:

Month:	Amount (cents)
January	+8
February	+7
March	-10
April	-14
May	-17
June	-16
July	+3
August	+12
September	+9
October	+11
November	+12
December	+12

**§ 904.42 Zone price differentials.** The minimum prices determined pursuant to §§ 904.40 and 904.41 shall be subject to differentials based upon the zone location of the plant at which the milk was received from producers. For each country plant, the zone shall be determined in accordance with the railway mileage distance to Boston, Massachusetts, from the railroad shipping point for such plant. Each city plant, regardless of such railway mileage distance, shall be considered to be in the "City Plant" zone. The applicable zone

differentials shall be those set forth in the following table, as adjusted pursuant to § 904.43.

DIFFERENTIAL FOR DETERMINATION OF ZONE PRICES

Zone	Distance to Boston (miles)	D	
		Class I price differentials (cents per hundredweight)	Class II price differentials (cents per hundredweight)
City Plant	0 to 49	+52.0	+33.1
5	41 to 50	+14.5	+14.2
6	51 to 60	+13.5	+14.0
7	61 to 70	+13.0	+13.7
8	71 to 80	+11.5	+13.5
9	81 to 90	+11.0	+13.2
10	91 to 100	+10.5	+13.0
11	101 to 110	+10.5	+12.9
12	111 to 120	+9.0	+12.6
13	121 to 130	+9.0	+12.4
14	131 to 140	+8.0	+12.1
15	141 to 150	+5.5	+11.6
16	151 to 160	+4.0	+11.3
17	161 to 170	+4.0	+11.2
18	171 to 180	+1.5	+10.6
19	181 to 190	+1.5	+10.4
20	191 to 200	0	+10.1
21	201 to 210	None	None
22	211 to 220	-4.0	-0.6
23	221 to 230	-4.5	-0.7
24	231 to 240	-5.5	-0.9
25	241 to 250	-5.5	-0.9
26	251 to 260	-6.5	-1.2
27	261 to 270	-7.0	-1.3
28	271 to 280	-7.5	-1.5
29	281 to 290	-8.5	-1.6
30	291 to 300	-9.5	-1.8
31	301 to 310	-13.0	-2.3
32	311 to 320	-13.0	-2.4
33	321 to 330	-14.0	-2.5
34	331 to 340	-14.0	-2.8
35	341 to 350	-15.0	-2.8
36	351 to 360	-15.0	-3.0
37	361 to 370	-15.0	-3.1
38	371 to 380	-15.5	-3.3
39	381 to 390	-15.5	-3.4
40	391 to 400	-15.5	-3.5
41	401 to 410	-17.0	-3.5
42	411 to 420	-17.0	-3.5
43	421 to 430	-17.0	-3.5
44	431 to 440	-18.5	-3.5
45	441 and over	-18.5	-3.5

**§ 904.43 Automatic changes in zone price differentials and other price factors.** In case the rail tariff for the transportation of milk in carlots in tank cars or for the transportation of cream in 40-quart cans in carlots of 100-199 cans, as published in New England Joint Tariff-M No. 7 and supplements thereto or revisions thereof, is increased or decreased, the zone price differentials set forth in the table in § 904.42 and other price factors set forth in § 904.41 and in § 904.63 shall be correspondingly increased or decreased in the manner and to the extent provided in this section. Such adjustments shall be effective beginning with the first complete month in which the changes in rail tariffs apply. For the purpose of this section, it shall be considered that the rail tariff applicable to city plants is zero.

(a) If such rail tariff on milk is changed, the differentials set forth in Column B of the table and the city plant differential in Column C shall be adjusted to the extent of any change in the difference between the rail tariff for mileage distances of 201-210 miles and for the other applicable distances. Such adjustments shall be made to the nearest one-half cent per hundredweight in Column B, and to the nearest one-tenth cent per hundredweight in Column C.

(b) If such rail tariff on cream is changed, the country plant zone differential set forth in Column C of the table

shall be adjusted to the extent of any change in the difference between the rail tariff for mileage distances of 201-210 miles and for the other applicable distances, divided by 9.05. Such adjustments shall be made to the nearest one-tenth cent per hundredweight.

(c) If such rail tariff on cream is changed, the rail tariff rate on cream for mileage distances of 201-210 miles times 1.03 and adjusted to the nearest one-half cent shall be used in place of 52.5 cents specified in § 904.41 and § 904.63.

§ 904.44 *Butter and cheese adjustment.* During the months of April, May, June, and July, the value of a pool handler's milk computed pursuant to § 904.50 shall be reduced by an amount determined as follows:

(a) Using the midpoint of any range as one price, compute the average of the daily prices for Grade A (92-score) butter at wholesale in the New York market which are reported during the month by the United States Department of Agriculture, and add 20 percent.

(b) Divide by 3.7 the amount determined pursuant to § 904.41 (a) and subtract from the quotient the amount determined pursuant to paragraph (a) of this section. The result is the butter and cheese differential. If the Class II price is determined pursuant to § 904.41

(d) subtract the amount determined pursuant to paragraph (a) of this section from the simple average of the daily prices, using the midpoint of any range as one price, for Grade A (92-score) butter at wholesale in the Chicago market, as reported for the month by the United States Department of Agriculture, multiplied by 1.22.

(c) Determine the pounds of butterfat in Class II milk received from producers, which was processed into salted butter, Cheddar cheese, American Cheddar cheese, Colby cheese, washed curd cheese, or part skim Cheddar cheese at a plant of the first handler of such butterfat or at a plant of a second person to which such butterfat was moved.

(d) Subtract such portion of the quantity determined in paragraph (c) of this section as was made into salted butter and disposed of by the handler or such second person in a form other than salted butter.

(e) Multiply the remaining pounds of butterfat determined pursuant to paragraph (d) of this section by the butter and cheese differential determined pursuant to paragraph (b) of this section.

§ 904.45 *Use of equivalent factors in formulas.* If for any reason a price, index, or wage rate specified by this order for use in computing class prices and for other purposes is not reported or published in the manner described in this order, the market administrator shall use a price, index, or wage rate determined by the Secretary to be equivalent to or comparable with the factor which is specified.

§ 904.46 *Announcement of class prices and differentials.* The market administrator shall make public announcements of class prices and differentials as follows:

(a) He shall announce the Class I price for each month on the 25th day of

the preceding month, except that if such 25th day is a Sunday or legal holiday he shall announce the Class I price on the next succeeding work day.

(b) He shall announce the Class II price and the butter and cheese differential on or before the 5th day after the end of each month.

§ 904.47 *Allocation of Class I milk to plants.* For the purpose of determining the respective quantities of Class I milk subject to the applicable zone prices, each pool handler's Class I milk during the month, after excluding receipts assigned to Class I pursuant to §§ 904.25 through 904.28, shall be allocated to plants as follows:

(a) His Class I milk first shall be allocated to receipts at his city plants of milk from producers' farms; and then to the receipts of outside milk at his city plants from unregulated plants located in Connecticut, Massachusetts, or Rhode Island.

(b) Next, his Class I milk shall be allocated to receipts of milk from producers at each of the handler's country plants from which Class I milk was disposed of for consumption in the States of Maine, New Hampshire, or Vermont. The quantity allocated pursuant to this paragraph shall consist of the quantity of Class I milk disposed of from each such plant as follows:

(1) Sales to Maine, New Hampshire, or Vermont consumers, without intermediate movement to another plant; and

(2) Movements to unregulated plants which in turn disposed of Class I milk for distribution only in the States of Maine, New Hampshire, or Vermont.

(c) The handler's remaining Class I milk shall be allocated to plants in the order of the nearness of the plants to Boston by railway mileage distance. Subject to paragraph (b) of this section, the quantity allocated to any of his pool plants shall be equal to its shipments of fluid milk products, other than cream, to the limit of its receipts from producers' farms. The quantity allocated to any unregulated plant shall be equal to its shipments of outside milk to the handler's regulated plants. However, shipments to plants located in the State of Maine, New Hampshire, Vermont, or New York, with respect to which utilization as Class II is established shall not be allocated to Class I milk.

(d) For the purpose of this section, a handler's receipts of outside milk from dairy farmers for other markets shall be considered as shipped from the unregulated plant to which such farmers ordinarily delivered.

#### NEW ENGLAND BASIC PRICE FORMULA

§ 904.48 *Computation of New England basic Class I price.* The New England basic Class I price per hundredweight of milk containing 3.7 percent butterfat shall be determined for each month pursuant to this section. The latest reported figures available to the market administrator on the 25th day of the preceding month shall be used in making the following computations, except that if the 25th day of the preceding month falls on a Sunday or legal holiday the latest

figures available on the next succeeding work day shall be used.

(a) Compute the economic index as follows:

(1) Divide by 1.143 the monthly wholesale price index for all commodities as reported by the Bureau of Labor Statistics, United States Department of Labor, with the years 1947-49 as the base period.

(2) Using the data on national and regional per capita income payments as published by the United States Department of Commerce, establish a "New England adjustment percentage" by computing the current percentage relationship of New England per capita income to the national per capita income. Multiply by the New England adjustment percentage the quarterly figure showing the current annual rate of per capita disposable personal income in the United States as released by the United States Department of Commerce or the Council of Economic Advisers to the President. Divide the result by 15.27 to determine an index of per capita disposable income in New England.

(3) Multiply by 20 the average price per 100 pounds paid by farmers in the New England region for all mixed dairy feed of less than 29 percent protein content as reported by the United States Department of Agriculture for the month and divide the result by .884 to determine the dairy ration index. Compute the average, weighted by the indicated factors, of the following farm wage rates reported for the New England region by the United States Department of Agriculture: Rate per month with board and room, 1, rate per month with house, 1, rate per week with board and room, 4.33; rate per week without board and room, 4.33; and the rate per day without board or room, 26. Divide the average wage rate so computed by 1.458 to determine the wage rate index. Multiply the dairy ration index by 0.6 and the wage rate index by 0.4 and combine the two results to determine the grain-labor cost index.

(4) Divide by 3 the sum of the wholesale price index, the index of per capita disposable income in New England, and the grain-labor cost index determined pursuant to this paragraph. The result shall be known as the economic index.

(b) Compute a supply-demand adjustment factor as follows:

(1) Combine into separate monthly totals the receipts from producers for Greater Boston, Merrimack Valley, Springfield, and Worcester and the Class I milk from producers for the same markets as announced by the respective market administrators in the statistical reports for such markets for the second and third months preceding the month for which the price is being computed.

(2) Divide the four-market total of Class I producer milk by the four-market total of receipts from producers for each of the two months for which computations were made pursuant to subparagraph (1) of this paragraph.

(3) Divide each of the percentages determined in subparagraph (2) of this paragraph into the following normal Class I percentage for the respective month, multiply each result by 100, and compute a simple average of the result-

ing percentages. The result shall be known as the percentage of normal supply.

Month:	Normal Class I percentage
January	76.9
February	73.9
March	65.3
April	57.7
May	51.6
June	50.7
July	61.6
August	70.1
September	70.7
October	73.4
November	82.0
December	77.8

(4) The supply-demand adjustment factor shall be the figure in the following table opposite the bracket under the normal supply column within which the percentage computed pursuant to subparagraph (3) of this paragraph falls. If the percentage falls in an interval between brackets, the applicable bracket shall be that above the interval in which the percentage falls if the adjustment for the previous month was determined by a bracket above such interval, and shall be determined by the bracket below such interval if the adjustment for the previous month was determined by a bracket below such interval.

Percentage of normal supply:	Supply-demand adjustment factor
91.5 and under	1.12
92 to 92.5	1.10
93 to 93.5	1.08
94 to 94.5	1.06
95 to 96	1.04
97 to 98	1.02
99 to 101	1.00
102 to 103	.98
104 to 105	.96
106 to 107	.94
108 to 109	.92
110 to 111	.90
112 and over	.88

(c) The seasonal adjustment factor shall be the factor listed below for the month for which the price is being computed.

Month:	Seasonal adjustment factor
January and February	1.04
March	1.00
April	.92
May and June	.88
July	.96
August	1.00
September	1.04
October, November, and December	1.08

(d) Compute a New England basic Class I price index by multiplying the economic index determined pursuant to paragraph (a) of this section by the supply-demand adjustment factor determined pursuant to paragraph (b) of this section and multiplying the result by the applicable seasonal adjustment factor pursuant to paragraph (c) of this section.

(e) The New England basic Class I price shall be as shown in the following table:

New England basic Class I price index times \$0.0561.	Class I price
At least But less than	
\$4.88 \$5.10	\$4.99
\$5.10 \$5.32	5.21
\$5.32 \$5.54	5.43

New England basic Class I price index times \$0.0561—Con.	Class I price
At least But less than	
\$5.54 \$5.76	\$5.65
\$5.76 \$5.98	5.87
\$5.98 \$6.20	6.09
\$6.20 \$6.42	6.31

If the New England basic Class I price index times \$0.0561 is less than \$4.88 or more than \$6.42, the New England basic Class I price shall be determined by extending the table at the indicated rate of extension.

(f) Notwithstanding the provisions of the preceding paragraphs of this section, the New England basic Class I price for November or December of each year shall not be lower than such price for the immediately preceding month.

#### BLENDED PRICES TO PRODUCERS

§ 904.50 *Computation of value of milk received from producers.* For each month, the market administrator shall compute in the following manner the value of milk received from producers which is sold, distributed, or used by each pool handler:

(a) Multiply the quantity of milk in each class by the price applicable pursuant to §§ 904.40, 904.41, and 904.42;

(b) Add together the resulting value of each class; and

(c) Adjust the value determined in paragraph (b) of this section as provided in § 904.44.

§ 904.51 *Computation of the basic blended price.* The market administrator shall compute the basic blended price per hundredweight of milk delivered during each month in the following manner:

(a) Combine into one total the respective values of milk computed pursuant to § 904.50 and the payments required pursuant to § 904.65 for each handler from whom the market administrator has received at his office, prior to the 11th day after the end of such month, the report for such month and the payments required pursuant to §§ 904.61 (b) and 904.65 for the preceding month;

(b) Add the amount of unreserved cash on hand at the close of business on the 10th day after the end of the month from payments made to the market administrator by handlers pursuant to §§ 904.61, 904.62, 904.65, and 904.67.

(c) Deduct the amount of the plus differentials, and add the amount of the minus differentials, which are applicable pursuant to § 904.64;

(d) Divide by the total quantity of pool milk for which a value is determined pursuant to paragraph (a) of this section; and

(e) Subtract not less than 4 cents nor more than 5 cents for the purpose of retaining a cash balance in connection with the payments set forth in §§ 904.61 and 904.62. This result, which is the minimum blended price for milk containing 3.7 percent butterfat received from producers at plants located in zone 21, shall be known as the basic blended price.

§ 904.52 *Announcement of blended prices.* On the 12th day after the end of each month the market administra-

tor shall mail to all pool handlers and shall publicly announce:

(a) Such of these computations as do not disclose information confidential pursuant to the act;

(b) The zone blended prices per hundredweight resulting from adjustment of the basic blended price by the differentials pursuant to § 904.64, and

(c) The names of the pool handlers, designating those whose milk is not included in the computations because of failure to make reports or payments pursuant to this order.

#### PAYMENTS FOR MILK

§ 904.60 *Advance payments.* On or before the 10th day after the end of each month, each pool handler shall make payment to producers for the approximate value of milk received during the first 15 days of such month. In no event shall such advance payment be at a rate less than the Class II price for such month. The provisions of this section shall not apply to any handler who, on or before the 17th day after the end of the month, makes final payment as required by § 904.61 (a)

§ 904.61 *Final payments.* Each pool handler shall make payment for the total value of milk received during such month as required to be computed pursuant to § 904.50, as follows:

(a) On or before the 25th day after the end of each month, to each producer at not less than the basic blended price per hundredweight, subject to the differentials provided in §§ 904.63 and 904.64, for the quantity of milk delivered by such producer; and

(b) To producers, through the market administrator, by paying to, on or before the 23rd day after the end of each month, or receiving from the market administrator, on or before the 25th day after the end of each month, as the case may be, the amount by which the payments at the basic blended price adjusted by the plant and farm location differentials provided in § 904.64 are less than or exceed the value of milk as required to be computed for each such handler pursuant to § 904.50, as shown in a statement rendered by the market administrator on or before the 20th day after the end of such month.

§ 904.62 *Adjustments of errors in payments.* (a) Whenever verification by the market administrator of reports or payments of any handler discloses an error in payments made pursuant to §§ 905.61 (b) and 904.65, the market administrator shall promptly issue to the handler a charge bill or a credit, as the case may be, for the amount of the error. Adjustment charge bills issued during the period from the 16th day of the prior month through the 15th day of the current month shall be payable by the handler to the market administrator on or before the 23rd day of the current month. Adjustment credits issued during such period shall be payable by the market administrator to the handler on or before the 25th day of the current month.

(b) Whenever verification by the market administrator of the payment to any producer for milk delivered to any han-

dler discloses payment to such producer of an amount less than is required by § 904.61 (a) the handler shall make up such payment to the producer not later than the time of making final payment for the month in which such error is disclosed.

§ 904.63 *Butterfat differential.* Each handler shall, in making payments to each producer for milk received from him, add for each one-tenth of 1 percent of average butterfat content above 3.7 percent, or deduct for each one-tenth of 1 percent of average butterfat content below 3.7 percent, an amount per hundredweight which shall be calculated by the market administrator as follows: Subject to § 904.43 (c) subtract 52.5 cents from the weighted average price per 40-quart can of 40 percent bottling quality cream, f. o. b. Boston, as reported by the United States Department of Agriculture for the period between the 16th day of the preceding month and the 15th day inclusive of the month during which such milk is delivered, and divide the remainder by 330. If the cream price described above is not reported as indicated the butterfat differential shall be determined by multiplying by 1.25 the average of the daily prices, using the midpoint of any range as one price, for Grade A (92-score) butter at wholesale in the Chicago market as reported for the period between the 16th day of the preceding month and the 15th day, inclusive, of the current month by the United States Department of Agriculture and dividing the result by 10.

§ 904.64 *Location differentials.* The payments to be made to producers by handlers pursuant to § 904.61 (a) shall be subject to the Class I price differentials applicable pursuant to § 904.42, and to further differentials as follows:

(a) With respect to milk delivered by a producer whose farm is located more than 40 miles but not more than 80 miles from the State House in Boston, there shall be added 23 cents per hundredweight, unless such addition gives a result greater than the Class I price pursuant to §§ 904.40 and 904.42 which is effective at the plant to which such milk is delivered, in which event there shall be added an amount which will give as a result such price.

(b) With respect to milk delivered by a producer whose farm is located not more than 40 miles from the State House in Boston, there shall be added 46 cents per hundredweight, unless such addition gives a result greater than the Class I price pursuant to §§ 904.40 and 904.42 which is effective at the plant to which such milk is delivered, in which event there shall be added an amount which will give as a result such price.

§ 904.65 *Payments on outside milk.* Within 23 days after the end of each month, handlers shall make payments to producers, through the market administrator, as follows:

(a) Each pool handler who receives outside milk which is allocated to Class I milk in accordance with § 904.47 and each buyer-handler or producer-handler whose receipts of outside milk are

in excess of his total use of Class II milk after deducting receipts of cream, shall make payment on such allocated quantity or excess quantity as follows:

(1) On outside milk received at a regulated city plant from an unregulated plant located in Connecticut, Massachusetts, or Rhode Island, the payment shall be at the difference between the Class I price applicable to milk received from producers at city plants and the Class II price applicable to milk received from producers at plants located in Zone 21 plus 5.8 cents.

(2) On outside milk received at any regulated plant from an unregulated plant located in Maine, the payment shall be at the difference between the price pursuant to § 904.40 applicable at the zone of the unregulated plant and the lesser of either the simple average for the month of the lowest minimum semi-monthly prices for Class II milk containing 3.7 percent butterfat which are established by the Maine Milk Commission for the market in which such unregulated plant is located or the price determined pursuant to § 904.41 applicable at the zone of such plant.

(3) Except as provided in subparagraphs (1) and (2) of this paragraph, the payment on outside milk received at any regulated plant from an unregulated plant shall be at the difference between the price pursuant to § 904.40 and the price pursuant to § 904.41 applicable at the zone of the unregulated plant.

(4) For the purposes of this paragraph, outside milk received from dairy farmers for other markets shall be considered as received from the unregulated plant to which they ordinarily delivered.

(b) Each handler who operates an unregulated plant from which outside milk is disposed of to consumers in the marketing area without intermediate movement to another plant shall make payment on the quantity so disposed of. The payment shall be at the difference between the price pursuant to § 904.40 and the price pursuant to § 904.41 applicable at the zone of the handler's plant.

§ 904.66 *Deductions from payments to members.* (a) Each association of producers may file with a handler who is not an association of producers, a claim for authorized deductions from the payments otherwise due to its producer members for milk delivered to such handler. Such claim shall contain a list of the producers for which such deductions apply, an agreement to indemnify the handler in the making of the deductions, and a certification that the association has an unexpired membership contract with each producer listed authorizing the claimed deduction.

(b) In making payments to his producers for milk received during the month, each handler shall make deductions in accordance with the association's claim and shall pay the amount deducted to the association with an accompanying statement showing the pounds of milk delivered by each producer from whom the deduction was made, within 25 days after the end of the month.

§ 904.67 *Adjustment of overdue accounts.* Any balance due, pursuant to §§ 904.61, 904.62, and 904.65 to or from the market administrator on the 10th day of any month, for which remittance has not been received in, or paid from, his office by the close of business on that day, shall be increased one-half of 1 percent effective the 11th day of such month.

§ 904.68 *Statements to producers.* In making the payments to producers prescribed by § 904.61 (a), each pool handler shall furnish each producer with a supporting statement, in such form that it may be retained by the producer, which shall show:

(a) The month and the identity of the handler and of the producer;

(b) The total pounds and average butterfat test of milk delivered by the producer;

(c) The minimum rate or rates at which payment to the producer is required under the provisions of § 904.61 (a);

(d) The rate which is used in making the payment, if such rate is other than the applicable minimum rate;

(e) The amount or the rate per hundredweight of each deduction claimed by the handler, including any deductions claimed under § 904.66, together with a description of the respective deductions; and

(f) The net amount of payment to the producer.

#### ADMINISTRATION EXPENSE

§ 904.72 *Payment of administration expense.* Within 23 days after the end of each month, each handler shall make payment to the market administrator of his pro rata share of the expense of administration of this order. The payment shall be at the rate of 3 cents per hundredweight, or such lesser amount as the Secretary may from time to time prescribe, and shall apply to all of the handler's receipts, during the month, of milk from producers, of outside milk, and of exempt milk processed at a regulated plant.

#### OBLIGATIONS

§ 904.73 *Termination of obligations.* The provisions of this section shall apply to any obligation under this order for the payment of money irrespective of when such obligation arose.

(a) The obligation of any handler to pay money required to be paid under the terms of this order shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1). The amount of the obligation;



(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this order, to make available to the market administrator or his representatives all books and records required by this order to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this order to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this order shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or setoff by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of times, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

#### MISCELLANEOUS PROVISIONS

§ 904.80 *Effective time.* The provisions of this subpart or any amendments to its provisions, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to § 904.81.

§ 904.81 *Suspension or termination.* The Secretary may suspend or terminate this subpart or any provision thereof whenever he finds that it obstructs or does not tend to effectuate the declared policy of the act. This subpart shall, in any event, terminate whenever the provisions of the act authorizing it cease to be in effect.

§ 904.82 *Continuing obligations.* If, upon the suspension or termination of any or all provisions of this subpart, there are any obligations arising under it, the final accrual or ascertainment of which requires further acts by any person, such further acts shall be per-

formed notwithstanding such suspension or termination.

§ 904.83 *Liquidation after suspension or termination.* Upon the suspension or termination of any or all provisions of this subpart the market administrator, or such person as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office and dispose of all funds and property then in his possession or under his control, together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected pursuant to the provisions of this subpart, over and above the amount necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating and distributing such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

§ 904.84 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this subpart.

#### MERRIMACK VALLEY ORDER

##### DEFINITIONS

§ 934.1 *General definitions.* (a) "Act means Public Act No. 10, 73d Congress, as amended, and reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended.

(b) "Merrimack Valley, Massachusetts, marketing area," also referred to as the "marketing area", means the territory included within the boundary lines of the following Massachusetts cities and towns:

Andover.	Merrimack.
Billerica.	Methuen.
Chelmsford.	North Andover.
Dracut.	Tewksbury.
Groveland.	Tyngsboro.
Haverhill.	Westford.
Lawrence.	West Newbury.
Lowell.	

(c) "Order", used with the name of a marketing area other than the Merrimack Valley, Massachusetts, marketing area, means the order issued by the Secretary regulating the handling of milk in the other marketing area.

(d) "Month" means a calendar month.

§ 934.2 *Definitions of persons.* (a) "Person" means any individual, partnership, corporation, association, or any other business unit.

(b) "Secretary" means the Secretary of Agriculture of the United States or any officer or employee of the United States who is, or who may hereafter be, authorized to exercise the powers and perform the duties of the Secretary of Agriculture.

(c) "Dairy farmer" means any person who delivers bulk milk of his own production to a plant.

(d) "Dairy farmer for other markets" means any dairy farmer whose milk is received by a handler at a pool plant during the months of March through September from a farm from which the handler, an affiliate of the handler, or

any person who controls or is controlled by the handler, received nonpool milk during any of the preceding months of October through February, except that the term shall not include any person who was a producer-handler during any of the preceding months of October through February, nor any person who was a producer under the Boston order during any of such months of October through February in which he was not a producer under this order.

(e) "Producer" means any dairy farmer whose milk is delivered from his farm to a pool plant, except a dairy farmer for other markets and a dairy farmer with respect to exempt milk delivered. The term shall also include a dairy farmer with respect to his operation of a farm from which milk is ordinarily delivered to a handler's pool plant, but whose milk is diverted to another plant, if the handler, in filing his monthly report pursuant to § 934.30, reports the milk as receipts from a producer at such pool plant and as moved to the other plant. The term shall not apply to a dairy farmer who is a producer under the Boston, Worcester, or Springfield orders, with respect to milk diverted from the plant subject to the other order to which the dairy farmer ordinarily delivers.

(f) "Association of producers" means any cooperative marketing association which the Secretary determines to be qualified pursuant to the provisions of the act of Congress of February 18, 1922, known as the "Capper-Volstead Act" and to be engaged in making collective sales or marketing of milk or its products for the producers thereof.

(g) "Handler" means any person who, in a given month, operates a pool plant, or any other plant from which fluid milk products are disposed of, directly or indirectly, in the marketing area.

(h) "Pool handler" means any handler who operates a pool plant.

(i) "Producer-handler" means any person who is both a handler and a dairy farmer, and who receives no milk other than exempt milk from other dairy farmers except producer-handlers.

(j) "Buyer-handler" means any handler who operates a bottling or processing plant from which more than 10 percent of his total receipts of fluid milk products, other than cream, are disposed of by him as Class I milk in the marketing area, and whose entire supply of fluid milk products is received from other handlers.

(k) "Dealer" means any person who operates a plant at which he engages in the business of distributing fluid milk products, or manufacturing milk products, whether or not he disposes of any fluid milk products in the marketing area.

(l) "Consumer" means any person to whom fluid milk products are disposed of, except a dealer. The term "consumer" includes, but is not limited to, stores, restaurants, hotels, bakeries, hospitals and other institutions, candy manufacturers, soup manufacturers, livestock farmers, and similar persons who are not necessarily the ultimate users. The term also includes any dealer

in his capacity as the operator of any of these establishments, and in connection with any other use or disposition of fluid milk products not directly related to his operations as a dealer.

§ 934.3 *Definitions of plants.* (a) "Plant" means the land, buildings, surroundings, facilities and equipment, whether owned or operated by one or more persons, constituting a single operating unit or establishment for the receiving, handling, or processing of milk or milk products.

(b) "City plant" means any plant which is located within 10 miles of the marketing area.

(c) "Country plant" means any plant which is located beyond 10 miles of the marketing area.

(d) "Receiving plant" means any plant which is currently used for receiving, weighing or measuring, sampling, and cooling milk received there directly from dairy farmers' farms in cans, and for washing and sterilizing such cans; or which is currently used for receiving milk directly from dairy farmers' farms by tank truck; and at which are currently maintained weight sheets or other records of the individual farmer deliver records of the individual farmers deliveries.

(e) "Pool plant" means any receiving plant which, in a given month, meets the conditions and requirements set forth in §§ 934.20, 934.21, and 934.22 for being considered a pool plant in that month.

(f) "Regulated plant" means any pool plant; any pool handler's plant which is located in the marketing area and from which Class I milk is disposed of in the marketing area, any plant operated by a handler in his capacity as a buyer-handler or producer-handler; and any city plant operated by an association of producers.

§ 934.4 *Definitions of milk and milk products.* (a) "Milk" means the commodity received from a dairy farmer at a plant as cow's milk. The term also includes milk so received which later has its butterfat content adjusted to at least one-half of 1 percent but less than 10 percent; frozen milk; reconstituted milk; and 50 percent of the quantity, by weight, of "half and half."

(b) "Cream" means that portion of milk, containing not less than 16 percent of butterfat, which rises to the surface of milk on standing, or is separated from it by centrifugal force. The terms also include sour cream; frozen cream; milk and cream mixtures containing 16 percent or more of butterfat; and 50 percent of the quantity, by weight, of "half and half."

(c) "Half and half" means any fluid milk product, except concentrated milk, the butterfat content of which has been adjusted to at least 10 percent but less than 16 percent.

(d) "Skim milk" means that fluid product of milk which remains after the removal of cream, and which contains less than one-half of 1 percent of butterfat.

(e) "Fluid milk products" means milk, flavored milk, cream, skim milk, flavored

skim milk, cultured skim milk, butter-milk, and concentrated milk, either individually or collectively.

(f) "Pool milk" means milk, including milk products derived therefrom, which a handler has received as milk from producers.

(g) "Outside milk" means:

(1) All milk received from dairy farmers for other markets;

(2) All fluid milk products, other than cream, received at a regulated plant from an unregulated plant, up to the total quantity of nonpool milk received at the unregulated plant; except exempt milk, receipts from New York order pool plants which are assigned to Class I milk pursuant to § 934.27, and receipts from regulated plants under the Boston, Worcester, or Springfield order;

(3) All Class I milk, after subtracting receipts of Class I milk from regulated plants, which is disposed of to consumers in the marketing area from an unregulated plant, except a regulated plant under the Boston or Worcester orders, without its intermediate movement to another plant.

(h) "Concentrated milk" means the concentrated, unsterilized milk product, resembling plain condensed milk, which is disposed of to consumers for human consumption in fluid form.

(i) "Exempt milk" means milk which is received at a regulated plant:

(1) In bulk from an unregulated plant, or from the dairy farmer who produced it, for processing and bottling, and for which an equivalent quantity of packaged milk is returned to the dairy farmer or to the operator of the unregulated plant during the same month; or

(2) In packaged form from an unregulated plant in return for an equivalent quantity of bulk milk moved from a regulated plant for processing and bottling during the same month.

#### MARKET ADMINISTRATOR

§ 934.10 *Designation of market administrator* The agency for the administration of this order shall be a market administrator who shall be a person selected by the Secretary. Such person shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 934.11 *Powers of market administrator* The market administrator shall have the following powers with respect to this order:

(a) To administer its terms and provisions;

(b) To make rules and regulations to effectuate its terms and provisions;

(c) To receive, investigate, and report to the Secretary complaints of violations of its terms and provisions; and

(d) To recommend to the Secretary amendments to it.

§ 934.12 *Duties of market administrator* The market administrator, in addition to the duties described in other sections of this order, shall:

(a) Within 45 days following the date upon which he enters upon his duties, execute and deliver to the Secretary a bond conditioned upon the faithful performance of his duties, in an amount

and with sureties thereon satisfactory to the Secretary.

(b) Employ and fix the compensation of such persons as may be necessary to enable him to exercise his powers and perform his duties.

(c) Pay, out of the funds provided by § 934.72, the cost of his bond, his own compensation, and all other expenses necessarily incurred in the maintenance and functioning of his office;

(d) Keep such books and records as will clearly reflect the transactions provided for in this order and surrender the same to his successor, or to such other person as the Secretary may designate;

(e) Prepare and disseminate for the benefit of producers, consumers, and handlers, statistics and information concerning the operation of this order;

(f) Promptly verify the information contained in the reports submitted by handlers; and

(g) Give each of the producers delivering to a plant, as reported by the handler, prompt written notice of his actual or potential loss of producer status for the first month in which the plants status has changed or is changing to that of a nonpool plant.

#### CLASSIFICATION

§ 934.15 *Classes of utilization.* All milk and milk products received by a handler shall be classified as Class I milk or Class II milk. Subject to §§ 934.16, 934.17, and 934.18, the classes of utilization shall be as follows:

(a) Class I milk shall be:

(1) All fluid milk products sold, distributed, or disposed of as or in milk;

(2) All fluid milk products sold, distributed, or disposed of for human consumption as or in flavored milk, skim milk, flavored or cultured skim milk, or buttermilk;

(3) Ninety-eight percent, by weight, of the fluid milk products used to produce concentrated milk; and

(4) All fluid milk products the utilization of which is not established as Class II milk.

(b) Class II milk shall be all fluid milk products the utilization of which is established:

(1) As being sold, distributed, or disposed of other than as specified in subparagraphs (1) (2) and (3) of paragraph (a) of this section; and

(2) As plant shrinkage, not in excess of 2 percent of the volume handled.

§ 934.16 *Classification of interplant movements of fluid products other than cream.* Fluid milk products, except cream, moved to another plant from a pool plant or from the city plant of an association of producers shall be classified as follows:

(a) If moved to another pool plant, they shall be classified in the class to which they are assigned at the plant of receipt pursuant to §§ 934.25 and 934.26.

(b) If moved to a buyer-handler's plant, they shall be classified as Class I milk, unless Class II utilization is established.

(c) If moved to a producer-handler's plant, or to any unregulated plant except a plant subject to the Boston, Worcester, or Springfield orders, they shall be clas-

sified as Class I milk up to the total quantity of the same form of fluid milk products utilized as Class I milk at the plant to which they were moved.

(d) If moved to a plant subject to the Boston, Worcester, or Springfield orders, they shall be classified in the same class to which the receipt is assigned under such order.

(e) If moved to a regulated plant of a nonpool handler, except the city plant of an association of producers, or to any unregulated plant except a plant subject to the Boston, Worcester, or Springfield orders, and thence to another plant, they shall be classified by applying the provisions of paragraphs (a) through (d) of this section, whichever is applicable, except that if the other plant to which such movement is made is located outside of the New England States and New York State, they shall be classified as Class I milk.

**§ 934.17 Classification of interplant movements of cream, and of milk products other than fluid milk products.** Cream and milk products other than fluid milk products moved from the regulated plant of a pool handler to another plant shall be classified as Class II milk.

**§ 934.18 Responsibility of handlers in establishing the classification of milk.** (a) In establishing the classification of any milk received by a handler from producers, the burden rests upon the handler who receives the milk from producers to account for the milk and to prove that such milk should not be classified as Class I milk.

(b) In establishing the classification of any pool milk received in the form of cream or milk products other than fluid milk products, or any nonpool milk or milk products received by a handler, the burden rests upon the receiving handler to account of such milk and milk products and to prove that such milk and milk products should not be classified as Class I milk.

#### DETERMINATION OF POOL PLANT STATUS

**§ 934.20 Basic requirements for pool plant status.** Each receiving plant shall be a pool plant during each month in which it meets the applicable requirements contained in § 934.21 or § 934.22, together with the following basic requirements:

(a) A majority of the dairy farmers delivering milk to the plant hold certificates of registration issued pursuant to Chapter 94 sections 16C and 16G, of the Massachusetts General Laws.

(b) The handler operating the plant holds a license which has been issued by the milk inspector of a city or town in the marketing area, pursuant to Chapter 94, Section 40, of the Massachusetts General Laws, or a majority of the dairy farmers delivering milk to the plant are approved by such an inspector as sources of supply for milk for sale in his municipality.

(c) The plant is operated neither as the plant of a producer-handler nor as a pool plant pursuant to the provisions of the Boston, New York, Worcester, or Springfield orders.

(d) Each of a handler's plants which is a nonpool receiving plant during any

of the months of October through February shall not be a pool plant in any of the following months of March through September in which it is operated by the same handler, an affiliate of the handler, or any person who controls or is controlled by the handler, unless its operation during October through February was in the handler's capacity as a producer-handler. This paragraph shall not apply to any plant which met all the applicable requirements for pool plant status under this order during each of such months of October through February, except that it was operated as a pool plant pursuant to the provisions of the Boston order.

**§ 934.21 Additional requirements for city pool plants.** Each city receiving plant shall be a pool plant in each month in which at least 10 percent of its total receipts of fluid milk products other than cream is disposed of in the marketing area as Class I milk, or in which it is operated by an association of producers. In determining whether a city plant has disposed of the required 10 percent of its receipts as Class I milk in the marketing area, the total quantity of fluid milk products, other than cream, moved from that plant to another city plant which is a regulated plant shall be considered as a disposition of Class I milk in the marketing area up to the quantity of Class I milk disposed of in the marketing area from the other plant.

**§ 934.22 Additional requirements for country pool plants.** (a) Each country receiving plant shall be a pool plant in any month in which more than 30 percent of its total receipts of fluid milk products, other than cream, after deducting Class I sales direct to consumers outside the marketing area, is disposed of directly to consumers in the marketing area as Class I milk or is shipped as milk to city plants at which more than 50 percent of the total receipts of fluid milk products, other than cream, is disposed of as Class I milk: *Provided*, That the quantity of fluid milk products, other than cream, disposed of in the marketing area as Class I milk, is at least 10 percent of its total receipts of fluid milk products other than cream.

(b) Any country plant which is a pool plant continuously in each of the months from October through February shall be a pool plant continuously for the following months of March through September, regardless of the quantity then disposed of in the marketing area, if the handler's written request for pool plant status for such seven-months' period is received by the market administrator before March 1 of that year. Changes in the identity of the handler operating the plant shall not affect the application of this paragraph.

#### ASSIGNMENT OF RECEIPTS TO CLASSES

**§ 934.25 Assignment of pool handlers' receipts to Class I milk.** For the purpose of computing the net quantity of each pool handler's Class I milk for which a value is to be computed pursuant to § 934.50, his receipts of milk and milk products shall be assigned to Class I milk in the following sequence:

(a) Receipts of exempt milk.

(b) Receipts from regulated plants under other Federal orders, which are assigned to Class I milk pursuant to § 934.27.

(c) Receipts of fluid milk products, other than cream and bulk skim milk, from the regulated city plants of other handlers.

(d) Receipts of milk from producers at a handler's country plant equal to the volume of fluid milk products disposed of directly from the country plant as Class I milk outside the marketing area without being received at a city plant.

(e) Receipts of milk directly from producers at the handler's city plant.

(f) Receipts of outside milk at the handler's city plant.

(g) Receipts of fluid milk products, other than cream and bulk skim milk, from the country pool plants of other handlers, in the order of the nearness of plants to the City Hall in Lawrence.

(h) Receipts of milk from producers at the handler's country plants not previously assigned pursuant to paragraph (d) of this section in the order of the nearness of the plants to the City Hall in Lawrence.

(i) Receipts of outside milk at the handler's country plants, in the order of the nearness of the plants to the City Hall in Lawrence.

(j) Receipts of bulk skim milk from regulated city plants and then from regulated country plants.

(k) All other receipts of available quantities of fluid milk products, from whatever source derived.

**§ 934.26 Assignment of Pool Handlers' Receipts to Class II Milk.** Each pool handler's receipts of milk and milk products which are not assigned to Class I milk pursuant to § 934.25 shall be assigned to Class II milk.

**§ 934.27 Receipts from Other Federal Order Plants.** Receipts of fluid milk products from plants regulated by other Federal orders shall be assigned as follows:

(a) Receipts of fluid milk products from regulated plants under the Boston order shall be assigned to the class in which they are classified under that order.

(b) Receipts of fluid milk products, other than cream, from regulated plants under the Worcester or Springfield orders shall be assigned to Class I milk, unless the operators of the shipping plant and of the receiving plant file a joint written request to the market administrator for assignment to Class II milk of the fluid milk products so received. In such event, the fluid milk products shall be assigned to Class II milk up to the total Class II uses of fluid milk products, other than cream, at the receiving plant.

(c) Receipts from New York order pool plants shall be assigned to Class I milk if classified and priced in Classes I-A or I-B under the New York order.

#### REPORTS OF HANDLERS

**§ 934.30 Pool handlers' reports of receipts and utilization.** On or before the 8th day after the end of each month each pool handler shall, with respect to the

milk products received by the handler during the month, report to the market administrator in the detail and form prescribed by the market administrator, as follows:

(a) The receipts of milk at each pool plant from producers, including the quantity, if any, received from his own production;

(b) The receipts of fluid milk products at each plant from any other handler, assigned to classes pursuant to §§ 934.25, 934.26, and 934.27.

(c) The receipts of outside milk and exempt milk at each plant; and

(d) The quantities from whatever source derived which were sold, distributed, or used, including sales to other handlers and dealers, classified pursuant to §§ 934.15, 934.16, and 934.17.

§ 934.31 *Reports of nonpool handlers.* Each nonpool handler shall file with the market administrator reports relating to his receipts and utilization of fluid milk products. The reports shall be made at the time and in the manner prescribed by the market administrator, except that any handler who receives outside milk during any month shall file the report on or before the 8th day after the end of the month.

§ 934.32 *Reports regarding individual producers.* (a) Within 20 days after a producer moves from one farm to another, starts or resumes deliveries to any of a handler's pool plants, or starts delivering his milk to the handler's plant by tank truck, the handler shall file with the market administrator a report stating the producer's name and post office address, the date on which the change took place, and the farm and plant locations involved. The report shall also state, if known, the plant to which the producer had been delivering prior to starting or resuming deliveries.

(b) Within 15 days after the 5th consecutive day on which a producer has failed to deliver to any of a handler's pool plants, the handler shall file with the market administrator a report stating the producer's name and post office address, the date on which the last delivery was made, and the farm and plant locations involved. The report shall also state, if known, the reason for the producer's failure to continue deliveries.

§ 934.33 *Reports of payments to producers.* Each pool handler shall submit to the market administrator, within 10 days after his request made not earlier than 20 days after the end of the month, his producer payroll for such month, which shall show for each producer:

(a) The daily and total pounds of milk delivered with the average butterfat test thereof; and

(b) The net amount of such handler's payments to such producer with the prices, deductions, and charges involved.

§ 934.34 *Maintenance of records.* Each handler shall maintain detailed and summary records showing all receipts, movements, and disposition of milk and milk products during the month, and the quantities of milk and milk products on hand at the end of the month.

§ 934.35 *Verification of reports.* For the purpose of ascertaining the correctness of any report made to the market administrator as required by this order or for the purpose of obtaining the information required in any such report where it has been requested and has not been furnished, each handler shall permit the market administrator or his agent, during the usual hours of business, to:

(a) Verify the information contained in reports submitted in accordance with this order.

(b) Weigh, sample, and test milk and milk products; and

(c) Make such examination of records, operations, equipment, and facilities as the market administrator deems necessary for the purpose specified in this section.

§ 934.36 *Retention of records.* All books and records required under this order to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the calendar month to which such books and records pertain: *Provided*, That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. The market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

§ 934.37 *Notices to producers.* Each pool handler shall furnish each producer from whom he receives milk with information regarding the daily weight and composite butterfat test of the producer's milk, as follows:

(a) Within 3 days after each day on which he receives milk from the producer, the handler shall give the producer written notice of the daily quantity so received.

(b) Within 7 days after the end of any sampling period for which the composite butterfat test of the producer's milk was determined, the handler shall give the producer written notice of such composite test.

#### CLASS PRICES

§ 934.40 *Class I price at city plants.* The Class I price per hundredweight at city plants shall be the New England basic Class I price per hundredweight determined for each month pursuant to § 934.48 plus 52 cents.

§ 934.41 *Class II price at city plants.* The Class II price per hundredweight at city plants shall be the Class II price determined for each month pursuant to § 904.41 of the Boston order plus 5.8 cents.

§ 934.42 *Country plant price differentials.* In the case of receipts at country

plants, the prices determined pursuant to §§ 934.40 and 934.41 shall be subject to differentials based upon the zone location of the plant at which the Class I milk or Class II milk was received. The zone location at each plant shall be based on the distance ascertained by the market administrator as the shortest distance from the plant to the City Hall in Lawrence, Massachusetts, over highways on which the highway departments of the governing States permit milk tank trucks to move, or on the railway mileage distance to Lawrence from the nearest railway shipping point for such plant, whichever is shorter. The applicable zone differentials shall be those set forth in the following table, as adjusted pursuant to § 934.43.

DIFFERENTIALS FOR DETERMINATION OF ZONE PRICES

A Zone (miles)	B Class I Price differ- entials (cents per hundred- weight)	C Class II Price differ- entials (cents per hundred- weight)
Less than 40 1/4	-17.0	-2.0
41 to 50	-41.5	-2.0
51 to 60	-42.5	-3.0
61 to 70	-43.0	-3.0
71 to 80	-44.5	-3.0
81 to 90	-45.0	-3.0
91 to 100	-45.5	-3.0
101 to 110	-45.5	-4.0
111 to 120	-47.0	-4.5
121 to 130	-47.0	-4.5
131 to 140	-48.0	-4.5
141 to 150	-50.5	-4.5
151 to 160	-52.0	-6.0
161 to 170	-52.0	-6.0
171 to 180	-54.5	-6.0
181 to 190	-54.5	-6.0
191 to 200	-56.0	-6.0
201 to 210	-56.0	-7.0
211 to 220	-60.0	-7.0
221 to 230	-60.5	-7.0
231 to 240	-61.5	-7.0
241 to 250	-61.5	-7.0
251 to 260	-62.5	-8.0
261 to 270	-63.0	-8.0
271 to 280	-63.5	-8.0
281 to 290	-64.5	-8.0
291 and over	-65.5	-8.0

§ 934.43 *Automatic changes in zone price differentials and other price factors.* In case the rail tariff for the transportation of milk or cream, as published in New England Joint Tariff M No. 7 and supplements thereto or revisions thereof, is increased or decreased, the zone price differentials set forth in the table in § 934.42 and the price factors specified in §§ 934.40 and 934.41 shall be correspondingly increased or decreased. Such adjustments shall become effective in the first complete month in which the changes in rail tariffs apply. Adjustments pursuant to paragraphs (a), (b), and (c) of this section shall be made to the nearest one-half cent per hundredweight, and adjustments pursuant to paragraph (d) shall be made to the nearest one-tenth cent per hundredweight.

(a) If the rail tariff for transporting milk in 40-quart cans in carlots of 200 or more cans is changed, the differentials set forth in column B of the table shall be adjusted to the extent of the change.

(b) If the rail tariff for transporting milk in carlots in tank cars for mileage distances of 201-210 miles is changed, the price factor of 52 cents specified in § 934.40 shall be adjusted to the extent of the change.

(c) If the rail tariff for transporting cream in 40-quart cans in carlots of 100-199 cans is changed, the differentials set forth in column C of the table shall be adjusted by the result obtained by dividing the tariff change by 9.05.

(d) If the rail tariff for transporting cream in 40-quart cans in carlots of 100-199 cans for mileage distances of 201-210 miles is changed, the price factor of 5.8 cents specified in § 943.41 shall be adjusted by the result obtained by multiplying the tariff change by 1.03 and then dividing by 9.05.

§ 934.44 *Use of equivalent factors in formulas.* If for any reason a price, index, or wage rate specified by this order for use in computing class prices and for other purposes is not reported or published in the manner described in this order the market administrator shall use a price, index, or wage rate determined by the Secretary to be equivalent to or comparable with the factor which is specified.

§ 934.45 *Announcement of class prices.* The market administrator shall make public announcements of the class prices as follows:

(a) He shall announce the Class I price for each month on the 25th day of the preceding month, except that if such 25th day is a Sunday or legal holiday he shall announce the Class I price on the next succeeding work day.

(b) He shall announce the Class II price on or before the 5th day after the end of each month.

#### NEW ENGLAND BASIC PRICE FORMULA

§ 934.48 *Computation of New England basic Class I price.* The New England basic Class I price per hundred-weight of milk containing 3.7 percent butterfat shall be determined for each month pursuant to this section. The latest reported figures available to the market administrator on the 25th day of the preceding month shall be used in making the following computations, except that if the 25th day of the preceding month falls on a Sunday or legal holiday the latest figures available on the next succeeding work day shall be used.

(a) Compute the economic index as follows:

(1) Divide by 1.143 the monthly wholesale price index for all commodities as reported by the Bureau of Labor Statistics, United States Department of Labor, with the years 1947-49 as the base period.

(2) Using the data on national and regional per capita income payments as published by the United States Department of Commerce, established a "New England adjustment percentage" by computing the current percentage relationship of New England per capita income to the national per capita income. Multiply by the New England adjustment percentage the quarterly figure showing the current annual rate of per capita disposable personal income in the United States as released by the United States Department of Commerce or the Council of Economic Advisers to the President. Divide the result by 15.27 to determine an index of per capita disposable income in New England.

(3) Multiply by 20 the average price per 100 pounds paid by farmers in the New England region for all mixed dairy feed of less than 29 percent protein content as reported by the United States Department of Agriculture for the month and divide the result by 0.884 to determine the dairy ration index. Compute the average, weighted by the indicated factors, of the following farm wage rates reported for the New England region by the United States Department of Agriculture: Rate per month with board and room, 1, rate per month with house, 1, rate per week with board and room, 4.33; rate per week without board or room, 4.33; and the rate per day without board or room, 26. Divide the average wage rate so computed by 1.458 to determine the wage rate index. Multiply the dairy ration index by 0.6 and the wage rate index by 0.4 and combine the two results to determine the grain-labor cost index.

(4) Divide by 3 the sum of the wholesale price index, the index of per capita disposable income in New England, and the grain-labor cost index determined pursuant to this paragraph. The result shall be known as the economic index.

(b) Compute a supply-demand adjustment factor as follows:

(1) Combine into separate monthly totals the receipts from producers for Greater Boston, Merrimack Valley, Springfield, and Worcester and the Class I milk from producers for the same markets as announced by the respective market administrators in the statistical reports for such markets for the second and third months preceding the month for which the price is being computed.

(2) Divide the four-market total of Class I producer milk by the four-market total of receipts from producers for each of the two months for which computations were made pursuant to subparagraph (1) of this paragraph.

(3) Divide each of the percentages determined in subparagraph (2) of this paragraph into the following normal Class I percentage for the respective month, multiply each result by 100, and compute a simple average of the resulting percentages. The result shall be known as the percentage of normal supply.

Month:	Normal Class I percentage
January	70.9
February	73.9
March	65.3
April	57.7
May	51.6
June	50.7
July	61.6
August	70.1
September	70.7
October	73.4
November	82.0
December	77.8

(4) The supply-demand adjustment factor shall be the figure in the following table opposite the bracket under the normal supply column within which the percentage computed pursuant to subparagraph (3) of this paragraph falls. If the percentage falls in an interval between brackets, the applicable bracket shall be that above the interval in which the percentage falls if the adjustment

for the previous month was determined by a bracket above such interval, and shall be determined by the bracket below such interval if the adjustment for the previous month was determined by a bracket below such interval.

Percentage of normal supply:	Supply-demand adjustment factor
91.5 and under	1.12
92 to 92.5	1.10
93 to 93.5	1.03
94 to 94.5	1.06
95 to 96	1.04
97 to 98	1.02
99 to 101	1.00
102 to 103	.93
104 to 105	.96
106 to 107	.94
108 to 109	.92
110 to 111	.90
112 and over	.88

(c) The seasonal adjustment factor shall be the factor listed below for the month for which the price is being computed.

Month:	Seasonal adjustment factor
January and February	1.04
March	1.00
April	.92
May and June	.88
July	.96
August	1.00
September	1.04
October, November, and December	1.03

(d) Compute a New England basic Class I price index by multiplying the economic index determined pursuant to paragraph (a) of this section by the supply-demand adjustment factor determined pursuant to paragraph (b) of this section and multiplying the result by the applicable seasonal adjustment factor pursuant to paragraph (c) of this section.

(e) The New England basic Class I price shall be as shown in the following table:

New England basic Class I price index times \$0.0561:		Class I price
At least	But less than	
\$4.88	\$5.10	\$4.99
\$5.10	\$5.32	5.21
\$5.32	\$5.54	5.43
\$5.54	\$5.76	5.65
\$5.76	\$5.98	5.87
\$5.98	\$6.20	6.09
\$6.20	\$6.42	6.31

If the New England basic Class I price index times \$0.0561 is less than \$4.88 or more than \$6.42, the New England basic Class I price shall be determined by extending the table at the indicated rate of extension.

(f) Notwithstanding the provisions of paragraphs (a) through (e) of this section, the New England basic Class I price for November or December of each year shall not be lower than such price for the immediately preceding month.

#### BLENDED PRICES TO PRODUCERS

§ 943.50 *Computation of net value of milk used by each pool handler.* For each month, the market administrator shall compute in the following manner the net value of milk which is sold, distributed, or used by each pool handler:

(a) From the handler's total Class I milk, subtract all receipts which have



## PAYMENTS FOR MILK

been assigned to Class I milk pursuant to § 934.25 (a) (b) (c), (g) and (j),

(b) From the handler's total Class II milk, subtract all receipts which have been assigned to Class II milk pursuant to § 934.26, except receipts of milk from producers;

(c) Multiply the remaining quantities of Class I milk and Class II milk by the prices applicable pursuant to §§ 934.40, 934.41, and 934.42;

(d) Add together the resulting value of each class;

(e) Add the total amount of the payment required from the pool handler pursuant to § 934.66; and

(f) Subtract the value obtained by multiplying the quantities assigned to Class I milk pursuant to § 934.25 (f) (i), and (k) by the price applicable pursuant to §§ 934.41 and 934.42.

§ 934.51 *Computation of the basic blended price.* The market administrator shall compute the basic blended price per hundredweight of milk delivered during each month in the following manner:

(a) Combine into one total the respective net values of milk computed pursuant to § 934.50 and the payments required pursuant to §§ 934.65 and 934.66 for each handler from whom the market administrator has received at his office, prior to the 11th day after the end of such month, the report for such month and the payments required pursuant to §§ 934.61 (b) 934.65, and 934.66 for the preceding month,

(b) Add the amount of unreserved cash on hand at the close of business on the 10th day after the end of the month from payments made to the market administrator by handlers pursuant to §§ 934.61, 934.62, 934.65, 934.66, and 934.67,

(c) Deduct the amount of the plus differentials, and add the amount of the minus differentials, which are applicable pursuant to § 934.64,

(d) Divide by the total quantity of pool milk for which a value is determined pursuant to paragraph (a) of this section; and

(e) Subtract not less than 4 cents nor more than 5 cents for the purpose of retaining a cash balance in connection with the payments set forth in §§ 934.61 and 934.62. This result, which is the minimum blended price for milk containing 3.7 percent butterfat received from producers at city plants shall be known as the basic blended price.

§ 934.52 *Announcement of blended prices.* On the 12th day after the end of each month the market administrator shall mail to all pool handlers and shall publicly announce:

(a) Such of these computations as do not disclose information confidential pursuant to the act;

(b) The zone blended prices per hundredweight resulting from adjustment of the basic blended price by the differentials pursuant to § 934.64; and

(c) The names of the pool handlers, designating those whose milk is not included in the computations because of failure to make reports or payments pursuant to this order.

§ 934.60 *Advance payments.* On or before the 10th day after the end of each month, each pool handler shall make payment to producers for the approximate value of milk received during the first 15 days of such month. In no event shall such advance payment be at a rate less than the Class II price for such month. The provisions of this section shall not apply to any handler who, on or before the 17th day after the end of the month, makes final payment as required by § 934.61 (a)

§ 934.61 *Final payments.* Each pool handler shall make payment for the total value of milk received during such month as required to be computed pursuant to § 934.50, as follows:

(a) On or before the 25th day after the end of each month, to each producer at not less than the basic blended price per hundredweight, subject to the differentials provided in §§ 934.63 and 934.64, for the quantity of milk delivered by such producer; and

(b) To producers, through the market administrator, by paying to, on or before the 23d day after the end of each month, or receiving from the market administrator, on or before the 25th day after the end of each month, as the case may be, the amount by which the payments at the basic blended price adjusted by the plant and farm location differentials provided in § 934.64 are less than or exceed the value of milk as required to be computed for each such handler pursuant to § 934.50, as shown in a statement rendered by the market administrator on or before the 20th day after the end of such month.

§ 934.62 *Adjustments of errors in payments.* (a) Whenever verification by the market administrator of reports or payments of any handler discloses an error in payments made pursuant to §§ 934.61 (b) 934.65, and 934.66 the market administrator shall promptly issue to the handler a charge bill or a credit, as the case may be, for the amount of the error. Adjustment charge bills issued during the period from the 16th day of the prior month through the 15th day of the current month shall be payable by the handler to the market administrator on or before the 23d day of the current month. Adjustment credits issued during such period shall be payable by the market administrator to the handler on or before the 25th day of the current month.

(b) Whenever verification by the market administrator of the payment to any producer for milk delivered to any handler discloses payment to such producer of an amount less than is required by § 934.61 (a) the handler shall make up such payment to the producer not later than the time of making final payment for the month in which such error is disclosed.

§ 934.63 *Butterfat differential.* Each handler shall, in making payments to each producer for milk received from him, add for each one-tenth of 1 percent of average butterfat content above 3.7 percent, or deduct for each one-tenth of

1 percent of average butterfat content below 3.7 percent, the amount per hundredweight determined for the corresponding month pursuant to § 934.63 of the Boston order.

§ 934.64 *Location differentials.* The payments to be made to producers by handlers pursuant to § 934.61 (a) shall be subject to the Class I price differentials applicable pursuant to § 934.42, and to further differentials as follows:

(a) With respect to milk delivered by a producer whose farm is located more than 40 miles from the City Hall in Lawrence, but not more than 80 miles from the State House in Boston, there shall be added 23 cents per hundredweight, unless such addition gives a result greater than the Class I price pursuant to §§ 934.40 and 934.42 which is effective at the plant to which such milk is delivered, in which event there shall be added an amount which will give as a result such price.

(b) With respect to milk delivered by a producer whose farm is located not more than 40 miles from the City Hall in Lawrence, there shall be added 46 cents per hundredweight, unless such addition gives a result greater than the Class I price pursuant to §§ 934.40 and 934.42 which is effective at the plant to which such milk is delivered, in which event there shall be added an amount which will give as a result such price.

§ 934.65 *Payments on Outside Milk.* Within 23 days after the end of each month, handlers shall make payments to producers, through the market administrator, as follows:

(a) Each buyer-handler or producer-handler, whose receipts of outside milk are in excess of his total use of Class II milk after deducting receipts of cream, shall make payment on such excess quantity at the difference between the Class I and Class II prices pursuant to §§ 934.40, 934.41, and 934.42, effective for the location or zone of the plant at which the handler received the outside milk.

(b) Each handler who operates an unregulated plant from which outside milk is disposed of to consumers in the marketing area without intermediate movement to another plant shall make payment on the quantity so disposed of. The payment shall be at the difference between the Class I and Class II prices pursuant to §§ 934.40, 934.41, and 934.42, effective for the location or zone of the handler's plant.

§ 934.66 *Payments on Class I receipts from other Federal order plants.* Within 23 days after the end of each month, each pool handler, buyer-handler, or producer-handler who received Class I milk from a New York, Boston, Worcester, or Springfield order regulated plant during the month shall make such payment to producers, through the market administrator, as results from the following computation:

(a) Adjust the price pursuant to §§ 934.40 and 934.42, effective for the location or zone of the plant from which the Class I milk was received, by the butterfat differential calculated pursuant to § 934.63.

(b) Adjust the zone Class I price applicable under the other Federal order (Class I-A or I-B in the case of a New York order plant) by the butterfat differential applicable under that order.

(c) If the adjusted Class I price calculated under paragraph (a) of this section exceeds the corresponding price calculated under paragraph (b) of this section, multiply the quantity of Class I receipts from the other Federal order plant by the difference in price.

§ 934.67 *Adjustment of overdue accounts.* Any balance due, pursuant to §§ 934.61, 934.62, 934.65, and 934.66, to or from the market administrator on the 10th day of any month, for which remittance has not been received in, or paid from, his office by the close of business on that day, shall be increased one-half of 1 percent effective the 11th day of such month.

§ 934.68 *Statements to producers.* In making the payments to producers prescribed by § 934.61 (a) each pool handler shall furnish each producer with a supporting statement, in such form that it shall be retained by the producer, which shall show:

(a) The month and the identity of the handler and of the producer.

(b) The total pounds and average butterfat test of milk delivered by the producer;

(c) The minimum rate or rates at which payment to the producer is required under the provisions of § 934.61 (a).

(d) The rate which is used in making the payment, if such rate is other than the applicable minimum rate;

(e) The amount or the rate per hundredweight of each deduction claimed by the handler, including any deductions claimed under §§ 934.70 and 934.71 together with a description of the respective deductions; and

(f) The net amount of payment to the producer.

#### MARKETING SERVICES

§ 934.70 *Marketing service deduction, nonmembers of an association of producers.* In making payments to producers pursuant to § 934.61 (a) each handler shall, with respect to all milk delivered by each producer other than himself during each month, except as set forth in § 934.71, deduct 3 cents per hundredweight, or such lesser amount as the market administrator shall determine to be sufficient, and shall, on or before the 23rd day after the end of each month, pay such deductions to the market administrator. Such moneys shall be expended by the market administrator only on providing for market information to, and for verification of weights, samples, and tests of milk delivered by, such producers. The market administrator may contract with an association or associations of producers for the furnishing of the whole or any part of such services to, or with respect to the milk delivered by, such producers.

§ 934.71 *Marketing service deduction, members of an association of producers.* In the case of producers who are members of an association of producers

which is actually performing the services set forth in § 934.70 each handler shall, in lieu of the deductions specified in § 934.70, make such deductions from payments made pursuant to § 934.61 (a) as may be authorized by such producers and pay, on or before the 25th day after the end of each month, such deductions to such associations, accompanied by a statement showing the pounds of milk delivered by each producer from whom the deduction was made.

#### ADMINISTRATION EXPENSE

§ 934.72 *Payment of administration expense.* Within 23 days after the end of each month, each handler shall make payment to the market administrator of his pro rata share of the expense of administration of this order, based on the handler's receipts of fluid milk products, other than cream, during the month. The payment shall be at the rate of 4 cents per hundredweight, or such lesser amount as the Secretary may from time to time prescribe, on the handler's receipts of milk from producers, including receipts from his own production, and his receipts of outside milk, except receipts of outside milk from other Federal order plants; and at the rate by which the rate applicable to milk received from producers exceeds the rate of assessment applicable under the other Federal order, on his receipts from other Federal order plants.

#### OBLIGATIONS

§ 934.73 *Termination of obligations.* The provisions of this section shall apply to any obligation under this order for the payment of money irrespective of when such obligation arose.

(a) The obligation of any handler to pay money required to be paid under the terms of this order shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this order, to make available to the market administrator or his representatives all books and records required by this order to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market

administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this order to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this order shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or setoff by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8 (c) (15) (A) of the act, a petition claiming such money.

#### MISCELLANEOUS PROVISIONS

§ 934.80 *Effective time.* The provisions of this order, or any amendments to its provisions, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to § 934.81.

§ 934.81 *Suspension or termination.* The Secretary may suspend or terminate this order or any provision thereof whenever he finds that it obstructs or does not tend to effectuate the declared policy of the act. This order shall, in any event, terminate whenever the provisions of the act authorizing it cease to be in effect.

§ 934.82 *Continuing obligations.* If, upon the suspension or termination of any or all provisions of this order, there are any obligations arising under it, the final accrual or ascertainment of which requires further acts by any person, such further acts shall be performed notwithstanding such suspension or termination.

§ 934.83 *Liquidation after suspension or termination.* Upon the suspension or termination of any or all provisions of this order the market administrator, or such person as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office and dispose of all funds and property then in his possession or under his control, together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected pursuant to the provisions of this order, over and above the amount necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating

and distributing such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

§ 934.84 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this order.

#### SPRINGFIELD ORDER

##### DEFINITIONS

§ 996.1 *General definitions.* (a) "Act" means Public Act No. 10, 73d Congress, as amended, and reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended.

(b) "Springfield, Massachusetts, marketing area," also referred to as the "marketing area" means the territory included within the boundary lines of the following Massachusetts cities and towns:

Agawam.	Northampton.
Chicopee.	South Hadley.
Easthampton.	Springfield.
East Longmeadow.	Westfield.
Holyoke.	West Springfield.
Longmeadow.	Wilbraham.
Ludlow.	

(c) "Order" used with the name of a marketing area other than the Springfield, Massachusetts, marketing area, means the order issued by the Secretary regulating the handling of milk in the other marketing area.

(d) "Month" means a calendar month.

§ 996.2 *Definitions of persons.* (a) "Person" means any individual, partnership, corporation, association, or any other business unit.

(b) "Secretary" means the Secretary of Agriculture of the United States or any officer or employee of the United States who is, or who may hereafter be, authorized to exercise the powers and perform the duties of the Secretary of Agriculture.

(c) "Dairy farmer" means any person who delivers bulk milk of his own production to a plant.

(d) "Dairy farmer for other markets" means any dairy farmer whose milk is received by a handler at a pool plant during the months of March through September from a farm from which the handler, an affiliate of the handler, or any person who controls or is controlled by the handler, received nonpool milk during any of the preceding months of October through February, except that the term shall not include any person who was a producer-handler during any of the preceding months of October through February, nor any person who was a producer under the Boston order during any of such months of October through February in which he was not a producer under this order.

(e) "Producer" means any dairy farmer whose milk is delivered from his farm to a pool plant, except a dairy farmer for other markets and a dairy farmer with respect to exempt milk delivered. The term shall also include a dairy farmer with respect to his operation of a farm from which milk is ordi-

narily delivered to a handler's pool plant, but whose milk is diverted to another plant, if the handler, in filing his monthly report pursuant to § 996.30, reports the milk as receipts from a producer at such pool plant and as moved to the other plant. The term shall not apply to a dairy farmer who is a producer under the Boston, Merrimack Valley, or Worcester orders, with respect to milk diverted from the plant subject to the other order to which the dairy farmer ordinarily delivers.

(f) "Association of producers" means any cooperative marketing association which the Secretary determines to be qualified pursuant to the provisions of the act of Congress of February 18, 1922, known as the "Capper-Volstead Act" and to be engaged in making collective sales or marketing of milk or its products for the producers thereof.

(g) "Handler" means any person who, in a given month, operates a pool plant, or any other plant from which fluid milk products are disposed of, directly or indirectly in the marketing area.

(h) "Pool handler" means any handler who operates a pool plant.

(i) "Producer-handler" means any person who is both a handler and a dairy farmer, and who receives no milk other than exempt milk from other dairy farmers except producer-handlers.

(j) "Buyer-handler" means any handler who operates a bottling or processing plant from which more than 10 percent of his total receipts of fluid milk products, other than cream, are disposed of by him as Class I milk in the marketing area, and whose entire supply of fluid milk products is received from other handlers.

(k) "Dealer" means any person who operates a plant at which he engages in the business of distributing fluid milk products, or manufacturing milk products, whether or not he disposes of any fluid milk products in the marketing area.

(l) "Consumer" means any person to whom fluid milk products are disposed of, except a dealer. The term "consumer" includes, but is not limited to, stores, restaurants, hotels, bakeries, hospitals and other institutions, candy manufacturers, soup manufacturers, livestock farmers, and similar persons who are not necessarily the ultimate users. The term also includes any dealer in his capacity as the operator of any of these establishments, and in connection with any other use or disposition of fluid milk products not directly related to his operations as a dealer.

§ 996.3 *Definitions of plants.* (a) "Plant" means the land, buildings, surroundings, facilities and equipment, whether owned or operated by one or more persons, constituting a single operating unit or establishment for the receiving, handling, or processing of milk or milk products.

(b) "City plant" means any plant which is located within 10 miles of the marketing area.

(c) "Country plant" means any plant which is located beyond 10 miles of the marketing area.

(d) "Receiving plant" means any plant which is currently used for receiving, weighing or measuring, sampling, and cooling milk received there directly from dairy farmers' farms in cans, and for washing and sterilizing such cans; or which is currently used for receiving milk directly from dairy farmers' farms by tank truck; and at which are currently maintained weight sheets or other records of the individual farmers' deliveries.

(e) "Pool plant" means any receiving plant which in a given month, meets the conditions and requirements set forth in §§ 996.20, 996.21, and 996.22 for being considered a pool plant in that month.

(f) "Regulated plant" means any pool plant; any pool handler's plant which is located in the marketing area and from which Class I milk is disposed of in the marketing area, any plant operated by a handler in his capacity as a buyer-handler or producer-handler; and any city plant operated by an association of producers.

§ 996.4 *Definitions of milk and milk products.* (a) "Milk" means the commodity received from a dairy farmer at a plant as cow's milk. The term also includes milk so received which later has its butterfat content adjusted to at least one-half of 1 percent but less than 10 percent; frozen milk; reconstituted milk; and 50 percent of the quantity, by weight, of "half and half."

(b) "Cream" means that portion of milk, containing not less than 16 percent of butterfat, which rises to the surface of milk on standing, or is separated from it by centrifugal force. The terms also include sour cream; frozen cream; milk and cream mixtures containing 16 percent or more of butterfat; and 50 percent of the quantity, by weight, of "half and half."

(c) "Half and half" means any fluid milk product, except concentrated milk, the butterfat content of which has been adjusted to at least 10 percent but less than 16 percent.

(d) "Skim milk" means that fluid product of milk which remains after the removal of cream, and which contains less than one-half of 1 percent of butterfat.

(e) "Fluid milk products" means milk, flavored milk, cream, skim milk, flavored skim milk, cultured skim milk, buttermilk, and concentrated milk, either individually or collectively.

(f) "Pool milk" means milk, including milk products derived therefrom, which a handler has received as milk from producers.

(g) "Outside milk" means:

(1) All milk received from dairy farmers for other markets;

(2) All fluid milk products, other than cream, received at a regulated plant from an unregulated plant, up to the total quantity of nonpool milk received at the unregulated plant; except exempt milk, receipts from New York order pool plants which are assigned to Class I milk pursuant to § 996.27, and receipts from regulated plants under the Boston, Merrimack Valley, or Worcester orders;

(3) All Class I milk, after subtracting receipts of Class I milk from regulated

plants, which is disposed of to consumers in the marketing area from an unregulated plant, except a regulated plant under the Worcester order, without its intermediate movement to another plant.

(h) "Concentrated milk" means the concentrated, unsterilized milk product, resembling plain condensed milk, which is disposed of to consumers for human consumption in fluid form.

(i) "Exempt milk" means milk which is received at a regulated plant:

(1) In bulk from an unregulated plant, or from the dairy farmer who produced it, for processing and bottling, and for which an equivalent quantity of packaged milk is returned to the dairy farmer or to the operator of the unregulated plant during the same month; or

(2) In packaged form from an unregulated plant in return for an equivalent quantity of bulk milk moved from a regulated plant for processing and bottling during the same month.

#### MARKET ADMINISTRATOR

§ 996.10 *Designation of market administrator* The agency for the administration of this order shall be a market administrator who shall be a person selected by the Secretary. Such person shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 996.11 *Powers of market administrator* The market administrator shall have the following powers with respect to this order:

(a) To administer its terms and provisions;

(b) To make rules and regulations to effectuate its terms and provisions;

(c) To receive, investigate, and report to the Secretary complaints of violations of its terms and provisions; and

(d) To recommend to the Secretary amendments to it.

§ 996.12 *Duties of market administrator* The market administrator, in addition to the duties described in other sections of this order, shall:

(a) Within 45 days following the date upon which he enters upon his duties, execute and deliver to the Secretary a bond conditioned upon the faithful performance of his duties, in an amount and with sureties thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to exercise his powers and perform his duties;

(c) Pay, out of the funds provided by § 996.72, the cost of his bond, his own compensation, and all other expenses necessarily incurred in the maintenance and functioning of his office;

(d) Keep such books and records as will clearly reflect the transactions provided for in this order and surrender the same to his successor, or to such other person as the Secretary may designate;

(e) Prepare and disseminate for the benefit of producers, consumers, and handlers, statistics and information concerning the operation of this order;

(f) Promptly verify the information contained in the reports submitted by handlers; and

(g) Give each of the producers delivering to a plant, as reported by the handler, prompt written notice of his actual or potential loss of producer status for the first month in which the plant's status has changed or is changing to that of a nonpool plant.

#### CLASSIFICATION

§ 996.15 *Classes of utilization* All milk and milk products received by a handler shall be classified as Class I milk or Class II milk. Subject to §§ 996.16, 996.17, and 996.18, the classes of utilization shall be as follows:

(a) Class I milk shall be:

(1) All fluid milk products sold, distributed, or disposed of as or in milk;

(2) All fluid milk products sold, distributed, or disposed of for human consumption as or in flavored milk, skim milk, flavored or cultured skim milk, or buttermilk;

(3) Ninety-eight percent, by weight, or the fluid milk products used to produce concentrated milk; and

(4) All fluid milk products the utilization of which is not established as Class II milk.

(b) Class II milk shall be all fluid milk products the utilization of which is established:

(1) As being sold, distributed, or disposed of other than as specified in subparagraphs (1) (2), and (3) of paragraph (a) of this section; and

(2) As plant shrinkage, not in excess of 2 percent of the volume handled.

§ 996.16 *Classification of interplant movements of fluid milk products other than cream* Fluid milk products, except cream, moved to another plant from a pool plant or from the city plant of an association of producers shall be classified as follows:

(a) If moved to another pool plant, they shall be classified in the class to which they are assigned at the plant of receipt pursuant to §§ 996.25 and 996.26.

(b) If moved to a buyer-handler's plant, they shall be classified as Class I milk, unless Class II utilization is established.

(c) If moved to a producer-handler's plant, or to any unregulated plant except a plant subject to the New York, Boston, Merrimack Valley, or Worcester orders, they shall be classified as Class I milk up to the total quantity of the same form of fluid milk products utilized as Class I milk at the plant to which they were moved.

(d) If moved to a plant subject to the New York, Boston, Merrimack Valley, or Worcester orders, they shall be classified in the same class to which the receipt is assigned under such order, except that if moved to a plant subject to the New York order they shall be classified as Class I milk if classified in Classes 1-A, 1-B, or 1-C under the New York order, and shall be classified as Class II milk if classified in any class other than 1-A, 1-B, or 1-C under the New York order.

(e) If moved to a regulated plant of a nonpool handler, except the city plant of an association of producers, or to any

unregulated plant except a plant subject to the New York, Boston, Merrimack Valley, or Worcester orders, and thence to another plant, they shall be classified by applying the provisions of paragraphs (a) through (d) of this section, whichever is applicable, except that if the other plant to which such movement is made is located outside of the New England States and New York State, they shall be classified as Class I milk.

§ 996.17 *Classification of interplant movements of cream, and of milk products other than fluid milk products* Cream and milk products other than fluid milk products moved from the regulated plant of a pool handler to another plant shall be classified as Class II milk.

§ 996.18 *Responsibility of handlers in establishing the classification of milk*

(a) In establishing the classification of any milk received by a handler from producers, the burden rests upon the handler who receives the milk from producers to account for the milk and to prove that such milk should not be classified as Class I milk.

(b) In establishing the classification of any pool milk received in the form of cream or milk products other than fluid milk products, or any nonpool milk or milk products received by a handler, the burden rests upon the receiving handler to account for such milk and milk products and to prove that such milk and milk products should not be classified as Class I milk.

#### DETERMINATION OF POOL PLANT STATUS

§ 996.20 *Basic requirements for pool plant status* Each receiving plant shall be a pool plant during each month in which it meets the applicable requirements contained in § 996.21 or § 996.22, together with the following basic requirements:

(a) A majority of the dairy farmers delivering milk to the plant hold certificates of registration issued pursuant to Chapter 94, sections 16C and 16G, of the Massachusetts General Laws.

(b) The handler operating the plant holds a license which has been issued by the milk inspector of a city or town in the marketing area, pursuant to Chapter 94, section 40, of the Massachusetts General Laws, or a majority of the dairy farmers delivering milk to the plant are approved by such an inspector as sources of supply for milk for sale in his municipality.

(c) The plant is operated neither as the plant of a producer-handler nor as a pool plant pursuant to the provisions of the Boston, Merrimack Valley, New York, or Worcester orders.

(d) Each of a handler's plants which is a nonpool receiving plant during any of the months of October through February shall not be a pool plant in any of the following months of March through September in which it is operated by the same handler, an affiliate of the handler, or any person who controls or is controlled by the handler, unless its operation during October through February was in the handler's capacity as a producer-handler. This paragraph shall not apply to any plant which met all the applicable requirements for pool

plant status under this order during each of such months of October through February, except that it was operated as a pool plant pursuant to the provisions of the Boston order.

**§ 996.21 Additional requirements for city pool plants.** Each city receiving plant shall be a pool plant in each month in which at least 10 percent of its total receipts of fluid milk products other than cream is disposed of in the marketing area as Class I milk, or in which it is operated by an association of producers. In determining whether a city plant has disposed of the required 10 percent of its receipts as Class I milk in the marketing area, the total quantity of fluid milk products, other than cream, moved from that plant to another city plant which is a regulated plant shall be considered as a disposition of Class I milk in the marketing area up to the quantity of Class I milk disposed of in the marketing area from the other plant.

**§ 996.22 Additional requirements for country pool plants.** (a) Each country receiving plant shall be a pool plant in any month in which more than 30 percent of its total receipts of fluid milk products, other than cream, is disposed of as Class I milk directly to consumers in the marketing area or is shipped as milk to city plants at which more than 50 percent of the total receipts of fluid milk products, other than cream, is disposed of as Class I milk.

(b) Any country plant which is a pool plant continuously in each of the months from October through February shall be a pool plant continuously for the following months of March through September, regardless of the quantity then disposed of in the marketing area, if the handler's written request for pool plant status for such seven-months' period is received by the market administrator before March 1 of that year. Changes in the identity of the handler operating the plant shall not affect the application of this paragraph.

#### ASSIGNMENT OF RECEIPTS TO CLASSES

**§ 996.25 Assignment of pool handlers' receipts to Class I milk.** For the purpose of computing the net quantity of each pool handler's Class I milk for which a value is to be computed pursuant to § 996.50, his receipts of milk and milk products shall be assigned to Class I milk in the following sequence:

- (a) Receipts of exempt milk.
- (b) Receipts from regulated plants under other Federal orders, which are assigned to Class I milk pursuant to § 996.27.
- (c) Receipts of fluid milk products, other than cream and bulk skim milk, from the regulated city plants of other handlers.
- (d) Receipts of milk from producers at a handler's country plant equal to the volume of fluid milk products disposed of directly from the country plant as Class I milk outside the marketing area without being received at a city plant.
- (e) Receipts of milk directly from producers at the handler's city plant.
- (f) Receipts of outside milk at the handler's city plant.

(g) Receipts of fluid milk products, other than cream and bulk skim milk, from the country pool plants of other handlers, in the order of the nearness of the plants to Springfield.

(h) Receipts of milk from producers at the handler's country plants not previously assigned pursuant to paragraph (d) of this section in the order of the nearness of the plants to Springfield.

(i) Receipts of outside milk at the handler's country plants, in the order of the nearness of the plants to Springfield.

(j) Receipts of bulk skim milk from regulated city plants and then from regulated country plants.

(k) All other receipts or available quantities of fluid milk products, from whatever source derived.

**§ 996.26 Assignment of pool handlers' receipts to Class II milk.** Each pool handler's receipts of milk and milk products which are not assigned to Class I milk pursuant to § 996.25 shall be assigned to Class II milk.

**§ 996.27 Receipts from other Federal order plants.** Receipts of fluid milk products from plants regulated by other Federal orders shall be assigned as follows:

(a) Receipts of fluid milk products from regulated plants under the Boston order shall be assigned to the class in which they are classified under that order.

(b) Receipts of fluid milk products, other than cream, from regulated plants under the Merrimack Valley or Worcester orders shall be assigned to Class I milk, unless the operators of the shipping plant and of the receiving plant file a joint written request to the market administrator for assignment to Class II milk of the fluid milk products so received. In such event, the fluid milk products shall be assigned to Class II milk up to the total Class II uses of fluid milk products, other than cream, at the receiving plant.

(c) Receipts from New York order pool plants shall be assigned to Class I milk if classified and priced in Classes I-A or I-B under the New York order.

#### REPORTS OF HANDLERS

**§ 996.30 Pool handlers' reports of receipts and utilization.** On or before the 8th day after the end of each month each pool handler shall, with respect to the milk products received by the handler during the month, report to the market administrator in the detail and form prescribed by the market administrator, as follows:

(a) The receipts of milk at each pool plant from producers, including the quantity, if any, received from his own production;

(b) The receipts of fluid milk products at each plant from any other handler, assigned to classes pursuant to §§ 996.25 through 996.27;

(c) The receipts of outside milk and exempt milk at each plant; and

(d) The quantities from whatever source derived which were sold, distributed, or used, including sales to other

handlers and dealers, classified pursuant to §§ 996.15 through 996.18.

**§ 996.31 Reports of nonpool handlers.** Each nonpool handler shall file with the market administrator reports relating to his receipts and utilization of fluid milk products. The reports shall be made at the time and in the manner prescribed by the market administrator, except that any handler who receives outside milk during any month shall file the report on or before the 8th day after the end of the month.

**§ 996.32 Reports regarding individual producers.** (a) Within 20 days after a producer moves from one farm to another, starts or resumes deliveries to any of a handler's pool plants, or starts delivering his milk to the handler's plant by tank truck, the handler shall file with the market administrator a report stating the producer's name and post office address, the date on which the change took place, and the farm and plant locations involved. The report shall also state, if known, the plant to which the producer had been delivering prior to starting or resuming deliveries.

(b) Within 15 days after the 5th consecutive day on which a producer has failed to deliver to any of a handler's pool plants, the handler shall file with the market administrator a report stating the producer's name and post office address, the date on which the last delivery was made, and the farm and plant locations involved. The report shall also state, if known, the reason for the producer's failure to continue deliveries.

**§ 996.33 Reports of payments to producers.** Each pool handler shall submit to the market administrator, within 10 days after his request made not earlier than 20 days after the end of the month, his producer payroll for such month, which shall show for each producer:

(a) The daily and total pounds of milk delivered with the average butterfat test thereof; and

(b) The net amount of such handler's payments to such producer with the prices, deductions, and charges involved.

**§ 996.34 Maintenance of records.** Each handler shall maintain detailed and summary records showing all receipts, movements, and disposition of milk and milk products during the month, and the quantities of milk and milk products on hand at the end of the month.

**§ 996.35 Verification of reports.** For the purpose of ascertaining the correctness of any report made to the market administrator as required by this order or for the purpose of obtaining the information required in any such report where it has been requested and has not been furnished, each handler shall permit the market administrator or his agent, during the usual hours of business, to:

(a) Verify the information contained in reports submitted in accordance with this order;

(b) Weigh, sample, and test milk and milk products; and

(c) Make such examination of records, operations, equipment, and facilities



ties as the market administrator deems necessary for the purpose specified in this section.

§ 996.36 *Retention of records.* All books and records required under this order to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the calendar month to which such books and records pertain: *Provided*, That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records or specified books and records, until further written notification from the market administrator. The market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

§ 996.37 *Notices to producers.* Each pool handler shall furnish each producer from whom he receives milk with information regarding the daily weight and composite butterfat test of the producer's milk, as follows:

(a) Within 3 days after each day on which he receives milk from the producer, the handler shall give the producer written notice of the daily quantity so received.

(b) Within 7 days after the end of any sampling period for which the composite butterfat test of the producer's milk was determined, the handler shall give the producer written notice of such composite test.

#### MINIMUM-CLASS PRICES

§ 996.40 *Class I price at city plants.* The Class I price per hundredweight at city plants shall be the New England basic Class I price per hundredweight determined for each month pursuant to § 996.48 plus 52 cents.

§ 996.41 *Class II price at city plants.* The Class II price per hundredweight at city plants shall be the Class II price determined for each month pursuant to Sec. 904.41 of the Boston order plus 5.8 cents.

§ 996.42 *Country plant price differentials.* In the case of receipts at country plants, the prices determined pursuant to §§ 996.40 and 996.41 shall be subject to differentials based upon the zone location of the plant at which the Class I milk or Class II milk was received. The zone location of each plant shall be based on the distance ascertained by the market administrator as the shortest distance from the plant to the City Hall in Springfield, Massachusetts, over highways on which the highway departments of the governing States permit milk tank trucks to move, or on the railway mileage distance to Springfield from the nearest railway shipping point for such plant, whichever is shorter. The applicable zone differentials shall be those set forth in the following table, as adjusted pursuant to § 996.43.

DIFFERENTIALS FOR DETERMINATION OF ZONE PRICES

A Zone (miles)	B Class I Price differentials (cents per hundredweight)	C Class II Price differentials (cents per hundredweight)
Less than 40 1/4	None	None
41 to 50	-41.5	-2.0
51 to 60	-42.5	-3.0
61 to 70	-43.0	-3.0
71 to 80	-44.5	-3.0
81 to 90	-45.0	-3.0
91 to 100	-45.5	-3.0
101 to 110	-45.5	-4.5
111 to 120	-47.0	-4.5
121 to 130	-47.0	-4.5
131 to 140	-48.0	-4.5
141 to 150	-50.5	-4.5
151 to 160	-52.0	-6.0
161 to 170	-52.0	-6.0
171 to 180	-54.5	-6.0
181 to 190	-54.5	-6.0
191 to 200	-56.0	-6.0
201 to 210	-56.0	-7.0
211 to 220	-56.0	-7.0
221 to 230	-56.5	-7.0
231 to 240	-61.5	-7.0
241 to 250	-61.5	-7.0
251 to 260	-62.5	-8.0
261 to 270	-63.0	-8.0
271 to 280	-63.5	-8.0
281 to 290	-64.5	-8.0
291 and over	-65.5	-8.0

§ 996.43 *Automatic changes in zone price differentials and other price factors.* In case the rail tariff for the transportation of milk or cream, as published in New England Joint Tariff M No. 7 and supplements thereto or revisions thereof, is increased or decreased, the zone price differentials set forth in the table in § 996.42 and the price factors specified in §§ 996.40 and 996.41 shall be correspondingly increased or decreased. Such adjustments shall become effective in the first complete month in which the changes in rail tariffs apply. Adjustments pursuant to paragraphs (a) (b), and (c) of this section shall be made to the nearest one-half cent per hundredweight, and adjustments pursuant to paragraph (d) shall be made to the nearest one-tenth cent per hundredweight.

(a) If the rail tariff for transporting milk in 40-quart cans in carlots of 200 or more cans is changed, the differentials set forth in column B of the table shall be adjusted to the extent of the change.

(b) If the rail tariff for transporting milk in carlots in tank cars for mileage distances of 201-210 miles is changed, the price factor of 52 cents specified in § 996.40 shall be adjusted to the extent of the change.

(c) If the rail tariff for transporting cream in 40-quart cans in carlots of 100-199 cans is changed, the differentials set forth in column C of the table shall be adjusted by the result obtained by dividing the tariff change by 9.05.

(d) If the rail tariff for transporting cream in 40-quart cans in carlots of 100-199 cans for mileage distances of 201-210 miles is changed, the price factor of 5.8 cents specified in § 996.41 shall be adjusted by the result obtained by multiplying the tariff change by 1.03 and then dividing by 9.05.

§ 996.44 *Use of equivalent factors in formulas.* If for any reason a price, index, or wage rate specified by this order for use in computing class prices and for other purposes is not reported or pub-

lished in the manner described in this order, the market administrator shall use a price, index, or wage rate determined by the Secretary to be equivalent to or comparable with the factor which is specified.

§ 996.45 *Announcement of class prices.* The market administrator shall make public announcements of the class prices as follows:

(a) He shall announce the Class I price for each month on the 25th day of the preceding month, except that if such 25th day is a Sunday or legal holiday he shall announce the Class I price on the next succeeding work day.

(b) He shall announce the Class II price on or before the 5th day after the end of each month.

#### NEW ENGLAND BASIC PRICE FORMULA

§ 996.48 *Computation of New England basic Class I price.* The New England basic Class I price per hundredweight of milk containing 3.7 percent butterfat shall be determined for each month pursuant to this section. The latest reported figures available to the market administrator on the 25th day of the preceding month shall be used in making the following computations, except that if the 25th day of the preceding month falls on a Sunday or legal holiday the latest figures available on the next succeeding work day shall be used.

(a) Compute the economic index as follows:

(1) Divide by 1.143 the monthly wholesale price index for all commodities as reported by the Bureau of Labor Statistics, United States Department of Labor, with the years 1947-49 as the base period.

(2) Using the data on national and regional per capita income payments as published by the United States Department of Commerce, establish a "New England adjustment percentage" by computing the current percentage relationship of New England per capita income to the national per capita income. Multiply by the New England adjustment percentage the quarterly figure showing the current annual rate of per capita disposable personal income in the United States as released by the United States Department of Commerce or the Council of Economic Advisers to the President. Divide the result by 15.27 to determine an index of per capita disposable income in New England.

(3) Multiply by 20 the average price per 100 pounds paid by farmers in the New England region for all mixed dairy feed of less than 29 percent protein content as reported by the United States Department of Agriculture for the month and divide the result by 0.884 to determine the dairy ration index. Compute the average, weighted by the indicated factors, of the following farm wage rates reported for the New England region by the United States Department of Agriculture: Rate per month with board and room, 1, rate per month with house, 1, rate per week with board and room, 4.33; rate per week without board or room, 4.33; and the rate per day without board or room, 26. Divide the average wage rate so computed by 1.458 to determine the wage rate index. Multiply the

dairy ration index by 0.6 and the wage rate index by 0.4 and combine the two results to determine the grain-labor cost index.

(4) Divide by 3 the sum of the whole-sale price index, the index of per capita disposable income in New England, and the grain-labor cost index determined pursuant to this paragraph. The result shall be known as the economic index.

(b) Compute a supply-demand adjustment factor as follows:

(1) Combine into separate monthly totals the receipts from producers for Greater Boston, Merrimack Valley, Springfield, and Worcester and the Class I milk from producers for the same markets as announced by the respective market administrators in the statistical reports for such markets for the second and third months preceding the month for which the price is being computed.

(2) Divide the four-market total of Class I producer milk by the four-market total of receipts from producers for each of the two months from which computations were made pursuant to subparagraph (1) of this paragraph.

(3) Divide each of the percentages determined in subparagraph (2) of this paragraph into the following normal Class I percentage for the respective month, multiply each result by 100, and compute a simple average of the resulting percentages. The result shall be known as the percentage of normal supply.

Month:	Normal Class I percentage
January -----	76.9
February -----	73.9
March -----	65.3
April -----	57.7
May -----	51.6
June -----	50.7
July -----	61.6
August -----	70.1
September -----	70.7
October -----	73.4
November -----	82.0
December -----	77.8

(4) The supply-demand adjustment factor shall be the figure in the following table opposite the bracket under the normal supply column within which the percentage computed pursuant to subparagraph (3) of this paragraph falls. If the percentage falls in an interval between brackets, the applicable bracket shall be that above the interval in which the percentage falls if the adjustment for the previous month was determined by a bracket above such interval, and shall be determined by the bracket below such interval if the adjustment for the previous month was determined by a bracket below such interval.

Percentage of normal supply	Supply-demand adjustment factor
91.5 and under -----	1.12
92 to 92.5 -----	1.10
93 to 93.5 -----	1.08
94 to 94.5 -----	1.06
95 to 96 -----	1.04
97 to 98 -----	1.02
99 to 101 -----	1.00
102 to 103 -----	.98
104 to 105 -----	.96
106 to 107 -----	.94
108 to 109 -----	.92
110 to 111 -----	.90
112 and over -----	.88

(c) The seasonal adjustment factor shall be the factor listed below for the month for which the price is being computed.

Month:	Seasonal adjustment factor
January and February -----	1.04
March -----	1.00
April -----	.92
May and June -----	.88
July -----	.96
August -----	1.00
September -----	1.04
October, November and December -----	1.08

(d) Compute a New England basic Class I price index by multiplying the economic index determined pursuant to paragraph (a) of this section by the supply-demand adjustment factor determined pursuant to paragraph (b) of this section and multiplying the result by the applicable seasonal adjustment factor pursuant to paragraph (c) of this section.

(e) The New England basic Class I price shall be as shown in the following table:

New England basic Class I price index times \$0.0561.		Class I price
At least	But less than	
\$4.88	\$5.10 -----	\$4.99
\$5.10	\$5.32 -----	5.21
\$5.32	\$5.54 -----	5.43
\$5.54	\$5.76 -----	5.65
\$5.76	\$5.98 -----	5.87
\$5.98	\$6.20 -----	6.09
\$6.20	\$6.42 -----	6.31

If the New England basic Class I price index times \$0.0561 is less than \$4.88 or more than \$6.42, the New England basic Class I price shall be determined by extending the table at the indicated rate of extension.

(f) Notwithstanding the provisions of paragraphs (a) through (e) of this section, the New England basic Class I price for November or December of each year shall not be lower than such price for the immediately preceding month.

#### BLENDED PRICES TO PRODUCERS

§ 996.50 *Computation of net value of milk used by each pool handler* For each month, the market administrator shall compute in the following manner the net value of milk which is sold, distributed, or used by each pool handler:

(a) From the handler's total Class I milk, subtract all receipts which have been assigned to Class I milk pursuant to § 996.25 (a) (b) (c) (g) and (j)

(b) From the handler's total Class II milk, subtract all receipts which have been assigned to Class II milk pursuant to § 996.26, except receipts of milk from producers;

(c) Multiply the remaining quantities of Class I milk and Class II milk by the prices applicable pursuant to §§ 996.40, 996.41, and 996.42;

(d) Add together the resulting value of each class;

(e) Add the total amount of the payment required from the pool handler pursuant to § 996.66; and

(f) Subtract the value obtained by multiplying the quantities assigned to Class I milk pursuant to § 996.25 (f), (i) and (k) by the price applicable pursuant to §§ 996.41 and 996.42.

§ 996.51 *Computation of the basic blended price.* The market administrator shall compute the basic blended price per hundredweight of milk delivered during each month in the following manner:

(a) Combine into one total the respective net values of milk computed pursuant to § 996.50 and the payments required pursuant to §§ 996.65 and 996.66 for each handler from whom the market administrator has received at his office, prior to the 11th day after the end of such month, the report for such month and the payments required pursuant to §§ 996.61 (b), 996.65, and 996.66 for the preceding month;

(b) Add the amount of unreserved cash on hand at the close of business on the 10th day after the end of the month from payments made to the market administrator by handlers pursuant to §§ 996.61, 996.62, 996.65, 996.66, and 996.67.

(c) Deduct the amount of the plus differentials, and add the amount of the minus differentials, which are applicable pursuant to § 996.64,

(d) Divide by the total quantity of pool milk for which a value is determined pursuant to paragraph (a) of this section; and

(e) Subtract not less than 4 cents nor more than 5 cents for the purpose of retaining a cash balance in connection with the payments set forth in §§ 996.61 and 996.62. This result, which is the minimum blended price for milk containing 3.7 percent butterfat received from producers at city plants, shall be known as the basic blended price.

§ 996.52 *Announcement of blended prices.* On the 12th day after the end of each month the market administrator shall mail to all pool handlers and shall publicly announce:

(a) Such of these computations as do not disclose information confidential pursuant to the act;

(b) The zone blended prices per hundredweight resulting from adjustment of the basic blended price by the differentials pursuant to § 996.64, and

(c) The names of the pool handlers, designating those whose milk is not included in the computations because of failure to make reports or payments pursuant to this order.

#### PAYMENTS FOR MILK

§ 996.60 *Advance payments.* On or before the 10th day after the end of each month, each pool handler shall make payment to producers for the approximate value of milk received during the first 15 days of such month. In no event shall such advance payment be at a rate less than the Class II price for such month. The provisions of this section shall not apply to any handler who, on or before the 17th day after the end of the month, makes final payment as required by § 996.61 (a)

§ 996.61 *Final payments.* Each pool handler shall make payment for the total value of milk received during such month as required to be computed pursuant to § 996.50, as follows:

(a) On or before the 25th day after the end of each month, to each producer

at not less than the basic blended price per hundredweight, subject to the differentials provided in §§ 996.63 and 996.64, for the quantity of milk delivered by such producer; and

(b) To producers, through the market administrator, by paying to, on or before the 23d day after the end of each month, or receiving from the market administrator, on or before the 25th day after the end of each month, as the case may be, the amount by which the payments at the basic blended price adjusted by the plant and farm location differentials provided in § 996.64 are less than or exceed the value of milk as required to be computed for each such handler pursuant to § 996.50, as shown in a statement rendered by the market administrator on or before the 20th day after the end of such month.

§ 996.62 *Adjustments of errors in payments.* (a) Whenever verification by the market administrator of reports or payments of any handler discloses an error in payments made pursuant to §§ 996.61 (b) 996.65, and 996.66, the market administrator shall promptly issue to the handler a charge bill or a credit, as the case may be, for the amount of the error. Adjustment charge bills issued during the period from the 16th day of the prior month through the 15th day of the current month shall be payable by the handler to the market administrator on or before the 23d day of the current month. Adjustment credits issued during such period shall be payable by the market administrator to the handler on or before the 25th day of the current month.

(b) Whenever verification by the market administrator of the payment to any producer for milk delivered to any handler discloses payment to such producer of an amount less than is required by § 996.61 (a) the handler shall make up such payment to the producer not later than the time of making final payment for the month in which such error is disclosed.

§ 996.63 *Butterfat differential.* Each handler shall, in making payments to each producer for milk received from him, add for each one-tenth of 1 percent of average butterfat content above 3.7 percent, or deduct for each one-tenth of 1 percent of average butterfat content below 3.7 percent, the amount per hundredweight determined for the corresponding month pursuant to § 904.63 of this chapter (Boston order)

§ 996.64 *Location differentials.* The payments to be made to producers by handlers pursuant to § 996.61 (a) shall be subject to the Class I price differentials applicable pursuant to § 996.42, and to further differentials as follows:

(a) With respect to milk delivered by a producer whose farm is located in any of the following cities or towns, there shall be added 23 cents per hundredweight, unless such addition gives a result greater than the Class I price pursuant to §§ 996.40 and 996.42 which is effective at the plant to which such milk is delivered, in which event there shall be added an amount which will give as a result such price:

*Massachusetts.*

Becket.	Sandisfield.
Florida.	Savoy.
Hinsdale.	Washington.
Otis.	Windsor.
Peru.	

*New Hampshire.*

Chesterfield.	Westmoreland.
Vermont.	
Brattleboro.	Newfane.
Dover.	Putney.
Dummerston.	Wilmington.
Marlboro.	

(b) With respect to milk delivered by a producer whose farm is located in Franklin, Hampshire, Hampden, or Worcester Counties in Massachusetts, or in any of the following cities or towns, there shall be added 46 cents per hundredweight, unless such addition gives a result greater than the Class I price pursuant to §§ 996.40 and 996.42 which is effective at the plant to which such milk is delivered, in which event there shall be added an amount which will give as a result such price:

*Connecticut.*

Ellington.	Somers.
Enfield.	Stafford.
Granby.	Suffield.
<i>New Hampshire.</i>	
Hinsdale.	Winchester.
Vermont.	
Gulford.	Vernon.
Halfax.	Whittingham.
Readsboro.	

§ 996.65 *Payments on outside milk.* Within 23 days after the end of each month, handlers shall make payments to producers, through the market administrator, as follows:

(a) Each buyer-handler or producer-handler, whose receipts of outside milk are in excess of his total use of Class II milk after deducting receipts of cream, shall make payment on such excess quantity at the difference between the Class I and Class II prices pursuant to §§ 996.40, 996.41, and 996.42, effective for the location or zone of the plant at which the handler received the outside milk.

(b) Each handler who operates an unregulated plant from which outside milk is disposed of to consumers in the marketing area without intermediate movement to another plant shall make payment on the quantity so disposed of. The payment shall be at the difference between the Class I and Class II prices pursuant to §§ 996.40, 996.41, and 996.42, effective for the location or zone of the handler's plant.

§ 996.66 *Payments on Class I receipts from other Federal order plants.* Within 23 days after the end of each month, each pool handler, buyer-handler, or producer-handler who received Class I milk from a New York, Boston, Merrimack Valley, or Worcester order regulated plant during the month shall make such payment to producers, through the market administrator, as results from the following computation:

(a) Adjust the price pursuant to §§ 996.40 and 996.42, effective for the location or zone of the plant from which

the Class I milk was received, by the butterfat differential calculated pursuant to § 996.63.

(b) Adjust the zone Class I price applicable under the other Federal order (Class I-A or I-B in the case of a New York order plant) by the butterfat differential applicable under that order.

(c) If the adjusted Class I price calculated under paragraph (a) of this section exceeds the corresponding price calculated under paragraph (b) of this section, multiply the quantity of Class I receipts from the other Federal order plant by the difference in price.

§ 996.67 *Adjustment of overdue accounts.* Any balance due, pursuant to §§ 996.61, 996.62, 996.65, and 996.66, to or from the market administrator on the 10th day of any month, for which remittance has not been received in, or paid from, his office by the close of business on that day, shall be increased one-half of 1 percent effective the 11th day of such month.

§ 996.68 *Statements to producers.* In making the payments to producers prescribed by § 996.61 (a) each pool handler shall furnish each producer with a supporting statement, in such form that it may be retained by the producer, which shall show—

(a) The month and the identity of the handler and of the producer;

(b) The total pounds and average butterfat test of milk delivered by the producer;

(c) The minimum rate or rates at which payment to the producer is required under the provisions of § 996.61 (a)

(d) The rate which is used in making the payment, if such rate is other than the applicable minimum rate;

(e) The amount or the rate per hundredweight of each deduction claimed by the handler, including any deductions claimed under §§ 996.70 and 996.71, together with a description of the respective deductions; and

(f) The net amount of payment to the producer.

**MARKETING SERVICES**

§ 996.70 *Marketing service deduction, nonmembers of an association of producers.* In making payments to producers pursuant to § 996.61 (a) each handler shall, with respect to all milk delivered by each producer other than himself during each month, except as set forth in § 996.71, deduct 3 cents per hundredweight, or such lesser amount as the market administrator shall determine to be sufficient, and shall, on or before the 23d day after the end of each month, pay such deductions to the market administrator. Such moneys shall be expended by the market administrator only in providing for market information to, and for verification of weights, samples, and tests of milk delivered by, such producers. The market administrator may contract with an association or associations of producers for the furnishing of the whole or any part of such services to, or with respect to the milk delivered by, such producers.

§ 996.71 *Marketing service deduction, members of an association of producers.* In the case of producers who are members of an association of producers which is actually performing the services set forth in § 996.70, each handler shall, in lieu of the deductions specified in § 996.70, make such deductions from payments made pursuant to § 996.61 (a) as may be authorized by such producers and pay, on or before the 25th day after the end of each month, such deductions to such associations, accompanied by a statement showing the pounds of milk delivered by each producer from whom the deduction was made.

#### ADMINISTRATION EXPENSE

§ 996.72 *Payment of administration expense.* Within 23 days after the end of each month, each handler shall make payment to the market administrator of his pro rata share of the expense of administration of this order, based on the handler's receipts of fluid milk products, other than cream, during the month. The payment shall be at the rate of 4 cents per hundredweight, or such lesser amount as the Secretary may from time to time prescribe, on the handler's receipts of milk from producers, including receipts from his own production, receipts of exempt milk processed at a regulated plant, and his receipts of outside milk from other Federal order plants; and at the rate by which the rate applicable to milk received from producers exceeds the rate of assessment applicable under the other Federal order, on his receipts from other Federal order plants.

#### OBLIGATIONS

§ 996.73 *Termination of obligations.* The provisions of this section shall apply to any obligation under this order for the payment of money irrespective of when such obligation arose.

(a) The obligation of any handler to pay money required to be paid under the terms of this order shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to the following information:

- (1) The amount of the obligation;
- (2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and
- (3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this order, to make available to the market administrator or his representatives all

books and records required by this order to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this order to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this order shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or setoff by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

#### MISCELLANEOUS PROVISIONS

§ 996.80 *Effective time.* The provisions of this order, or any amendments to its provisions, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to § 996.81.

§ 996.81 *Suspension or termination.* The Secretary may suspend or terminate this order or any provision thereof whenever he finds that it obstructs or does not tend to effectuate the declared policy of the act. This order shall, in any event, terminate whenever the provisions of the act authorizing it cease to be in effect.

§ 996.82 *Continuing obligations.* If, upon the suspension or termination of any or all provisions of this order, there are any obligations arising under it, the final accrual or ascertainment of which requires further acts by any person, such further acts shall be performed notwithstanding such suspension or termination.

§ 996.83 *Liquidation after suspension or termination.* Upon the suspension or termination of any or all provisions of this order the market administrator, or such person as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office and dispose of all funds and property then in his possession or under his control, together with claims for any funds which are unpaid or owing at the time of such

suspension or termination. Any funds collected, pursuant to the provisions of this order, over and above the amount necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating and distributing such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

§ 996.84 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this order.

#### WORCESTER ORDER

##### DEFINITIONS

§ 999.1 *General definitions.* (a) "Act" means Public Act No. 10, 73d Congress, as amended, and reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended.

(b) "Worcester, Massachusetts, marketing area," also referred to as the "marketing area", means the territory included within the boundary lines of the following Massachusetts cities and towns:

Auburn.	Paxton.
Boylston.	Rutland.
Clinton.	Shrewsbury.
Grafton.	Spencer.
Holden.	West Boylston.
Leicester.	Worcester.
Milbury.	

(c) "Order" used with the name of a marketing area other than the Worcester, Massachusetts, marketing area, means the order issued by the Secretary regulating the handling of milk in the other marketing area.

(d) "Month" means a calendar month.

§ 999.2 *Definitions of persons.* (a) "Person" means any individual, partnership, corporation, association, or any other business unit.

(b) "Secretary" means the Secretary of Agriculture of the United States or any officer or employee of the United States who is, or who may hereafter be, authorized to exercise the powers and perform the duties of the Secretary of Agriculture.

(c) "Dairy farmer" means any person who delivers bulk milk of his own production to a plant.

(d) "Dairy farmer for other markets" means any dairy farmer whose milk is received by a handler at a pool plant during the months of March through September from a farm from which the handler, an affiliate of the handler, or any person who controls or is controlled by the handler, received nonpool milk during any of the preceding months of October through February, except that the term shall not include any person who was a producer-handler during any of the preceding months of October through February, nor any person who was a producer under the Boston order during any of such months of October through February in which he was not a producer under this order.

(e) "Producer" means any dairy farmer whose milk is delivered from his

farm to a pool plant, except a dairy farmer for other markets and a dairy farmer with respect to exempt milk delivered. The term shall also include a dairy farmer with respect to his operation of a farm from which milk is ordinarily delivered to a handler's pool plant, but whose milk is diverted to another plant, if the handler, in filing his monthly report pursuant to § 999.30, reports the milk as receipts from a producer at such pool plant and as moved to the other plant. The term shall not apply to a dairy farmer who is a producer under the Boston, Merrimack Valley, or Springfield orders, with respect to milk diverted from the plant subject to the other order to which the dairy farmer ordinarily delivers.

(f) "Association of producers" means any cooperative marketing association which the Secretary determines to be qualified pursuant to the provisions of the act of Congress of February 18, 1922, known as the "Capper-Volstead Act," and to be engaged in making collective sales or marketing of milk or its products for the producers thereof.

(g) "Handler" means any person who, in a given month, operates a pool plant, or any other plant from which fluid milk products are disposed of, directly or indirectly, in the marketing area.

(h) "Pool handler" means any handler who operates a pool plant.

(i) "Producer-handler" means any person who is both a handler and a dairy farmer, and who receives no milk other than exempt milk from other dairy farmers except producer-handlers.

(j) "Buyer-handler" means any handler who operates a bottling or processing plant from which more than 10 percent of his total receipts of fluid milk products, other than cream, are disposed of by him as Class I milk in the marketing area, and whose entire supply of fluid milk products is received from other handlers.

(k) "Dealer" means any person who operates a plant at which he engages in the business of distributing fluid milk products, or manufacturing milk products, whether or not he disposes of any fluid milk products in the marketing area.

(l) "Consumer" means any person to whom fluid milk products are disposed of, except a dealer. The term "consumer" includes, but is not limited to, stores, restaurants, hotels, bakeries, hospitals and other institutions, candy manufacturers, soup manufacturers, live stock farmers, and similar persons who are not necessarily the ultimate users. The term also includes any dealer in his capacity as the operator of any of these establishments, and in connection with any other use or disposition of fluid milk products not directly related to his operations as a dealer.

§ 999.3 *Definitions of plants.* (a) "Plant" means the land, buildings, surroundings, facilities and equipment, whether owned or operated by one or more persons, constituting a single operating unit or establishment for the receiving, handling, or processing of milk or milk products.

(b) "City plant" means any plant which is located within 10 miles of the marketing area.

(c) "Country plant" means any plant which is located beyond 10 miles of the marketing area.

(d) "Receiving plant" means any plant which is currently used for receiving, weighing or measuring, sampling, and cooling milk received there directly from dairy farmers' farms in cans, and for washing and sterilizing such cans; or which is currently used for receiving milk directly from dairy farmers' farms by tank truck; and at which are currently maintained weight sheets or other records of the individual farmers' deliveries.

(e) "Pool plant" means any receiving plant which, in a given month, meets the conditions and requirements set forth in §§ 999.20, 999.21, and 999.22 for being considered a pool plant in that month.

(f) "Regulated plant" means any pool plant; any pool handler's plant which is located in the marketing area and from which Class I milk is disposed of in the marketing area; any plant operated by a handler in his capacity as a buyer-handler or producer-handler; and any city plant operated by an association of producers.

§ 999.4 *Definitions of milk and milk products.* (a) "Milk" means the commodity received from a dairy farmer at a plant as cow's milk. The term also includes milk so received which later has its butterfat content adjusted to at least one-half of 1 percent but less than 10 percent; frozen milk; reconstituted milk; and 50 percent of the quantity, by weight, of "half and half"

(b) "Cream" means that portion of milk, containing not less than 16 percent of butterfat, which rises to the surface of milk on standing, or is separated from it by centrifugal force. The terms also include sour cream; frozen cream; milk and cream mixtures containing 16 percent or more of butterfat; and 50 percent of the quantity, by weight, of "half and half"

(c) "Half and half" means any fluid milk product, except concentrated milk, the butterfat content of which has been adjusted to at least 10 percent but less than 16 percent.

(d) "Skim milk" means that fluid product of milk which remains after the removal of cream, and which contains less than one-half of 1 percent of butterfat.

(e) "Fluid milk products" means milk, flavored milk, cream, skim milk, flavored skim milk, cultured skim milk, buttermilk, and concentrated milk, either individually or collectively.

(f) "Pool milk" means milk, including milk products derived therefrom, which a handler has received as milk from producers.

(g) "Outside milk" means:

(1) All milk received from dairy farmers for other markets;

(2) All fluid milk products, other than cream, received at a regulated plant from an unregulated plant, up to the total quantity of nonpool milk received at the unregulated plant; except exempt milk, receipts from New York order pool

plants which are assigned to Class I milk pursuant to § 999.27, and receipts from regulated plants under the Boston, Merrimack Valley, or Springfield orders;

(3) All Class I milk, after subtracting receipts of Class I milk from regulated plants which is disposed of to consumers in the marketing area from an unregulated plant, except a regulated plant under the Boston, Merrimack Valley, or Springfield orders, without its intermediate movement to another plant.

(h) "Concentrated milk" means the concentrated, unsterilized milk product, resembling plain condensed milk, which is disposed of to consumers for human consumption in fluid form.

(i) "Exempt milk" means milk which is received at a regulated plant: (1) In bulk from an unregulated plant, or from the dairy farmer who produced it, for processing and bottling, and for which an equivalent quantity of packaged milk is returned to the dairy farmer or to the operator of the unregulated plant during the same month; or

(2) In packaged form from an unregulated plant in return for an equivalent quantity of bulk milk moved from a regulated plant for processing and bottling during the same month.

#### MARKET ADMINISTRATOR

§ 999.10 *Designation of market administrator.* The agency for the administration of this order shall be a market administrator who shall be a person selected by the Secretary. Such person shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 999.11 *Powers of market administrator.* The market administrator shall have the following powers with respect to this order:

(a) To administer its terms and provisions;

(b) To make rules and regulations to effectuate its terms and provisions;

(c) To receive, investigate, and report to the Secretary complaints of violations of its terms and provisions; and

(d) To recommend to the Secretary amendments to it.

§ 999.12 *Duties of market administrator.* The market administrator in addition to the duties described in other sections of this order, shall:

(a) Within 45 days following the date upon which he enters upon his duties, execute and deliver to the Secretary a bond conditioned upon the faithful performance of his duties, in an amount and with sureties thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to exercise his powers and perform his duties.

(c) Pay, out of the funds provided by § 999.72, the cost of his bond, his own compensation, and all other expenses necessarily incurred in the maintenance and functioning of his office;

(d) Keep such books and records as will clearly reflect the transactions provided for in this order and surrender the same to his successor, or to such other



person as the Secretary may designate;

(e) Prepare and disseminate for the benefit of producers, consumers, and handlers, statistics and information concerning the operation of this order;

(f) Promptly verify the information contained in the reports submitted by handlers; and

(g) Give each of the producers delivering to a plant as reported by the handler prompt written notice of his actual or potential loss of producer status for the first month in which the plant's status has changed or is changing to that of a nonpool plant.

CLASSIFICATION

§ 999.15 *Classes of utilization.* All milk and milk products received by a handler shall be classified as Class I milk or Class II milk. Subject to §§ 999.16, 999.17, and 999.18, the classes of utilization shall be as follows:

(a) Class I milk shall be:

(1) All fluid milk products sold, distributed, or disposed of as or in milk;

(2) All fluid milk products, sold, distributed, or disposed of for human consumption as or in flavored milk, skim milk, flavored or cultured skim milk, or buttermilk;

(3) Ninety-eight percent, by weight, of the fluid milk products used to produce concentrated milk; and

(4) All fluid milk products the utilization of which is not established as Class II milk.

(b) Class II milk shall be all fluid milk products the utilization of which is established:

(1) As being sold, distributed, or disposed of other than as specified in subparagraphs (1), (2) and (3) of paragraph (a) of this section; and

(2) As plant shrinkage, not in excess of 2 percent of the volume handled.

§ 999.16 *Classification of interplant movements of fluid milk products other than cream.* Fluid milk products, except cream, moved to another plant from a pool plant or from the city plant of an association of producers shall be classified as follows:

(a) If moved to another pool plant, they shall be classified in the class to which they are assigned at the plant of receipt pursuant to §§ 999.25 and 999.26.

(b) If moved to a buyer-handler's plant, they shall be classified as Class I milk, unless Class II utilization is established.

(c) If moved to a producer-handler's plant, or to any unregulated plant except a plant subject to the New York, Boston, Merrimack Valley, or Springfield orders, they shall be classified as Class I milk up to the total quantity of the same form of fluid milk products utilized as Class I milk at the plant to which they were moved.

(d) If moved to a plant subject to the New York, Boston, Merrimack Valley, or Springfield orders, they shall be classified in the same class to which the receipt is assigned under such order, except that if moved to a plant subject to the New York order they shall be classified as Class I milk if classified in Classes 1-A, 1-B, or 1-C under the New York order, and shall be classified as Class II milk if

classified in any class other than 1-A, 1-B, or 1-C under the New York order.

(e) If moved to a regulated plant of a nonpool handler, except the city plant of an association of producers, or to any unregulated plant except a plant subject to the New York, Boston, Merrimack Valley, or Springfield orders, and thence to another plant, they shall be classified by applying the provisions of paragraphs (a) through (d) of this section, whichever is applicable, except that if the other plant to which such movement is made is located outside of the New England States and New York State, they shall be classified as Class I milk.

§ 999.17 *Classification of interplant movements of cream, and of milk products other than fluid milk products.* Cream and milk products other than fluid milk products moved from the regulated plant of a pool handler to another plant shall be classified as Class II milk.

§ 999.18 *Responsibility of handlers in establishing the classification of milk.*

(a) In establishing the classification of any milk received by a handler from producers, the burden rests upon the handler who receives the milk from producers to account for the milk and to prove that such milk should not be classified as Class I milk.

(b) In establishing the classification of any pool milk received in the form of cream or milk products other than fluid milk products, or any nonpool milk or milk products received by a handler, the burden rests upon the receiving handler to account for such milk and milk products and to prove that such milk and milk products should not be classified as Class I milk.

DETERMINATION OF POOL PLANT STATUS

§ 999.20 *Basic requirements for pool plant status.* Each receiving plant shall be a pool plant during each month in which it meets the applicable requirements contained in §§ 999.21 or 999.22, together with the following basic requirements:

(a) A majority of the dairy farmers delivering milk to the plant hold certificates of registration issued pursuant to Chapter 94, Sections 16C and 16G, of the Massachusetts General Laws.

(b) The handler operating the plant holds a license which has been issued by the milk inspector of a city or town in the marketing area, pursuant to Chapter 94, section 40, of the Massachusetts General Laws, or a majority of the dairy farmers delivering milk to the plant are approved by such an inspector as sources of supply for milk for sale in his municipality.

(c) The plant is operated neither as the plant of a producer-handler nor as a pool plant pursuant to the provisions of the Boston, Merrimack Valley, New York, or Springfield orders.

(d) Each of a handler's plants which is a nonpool receiving plant during any of the months of October through February shall not be a pool plant in any of the following months of March through September in which it is operated by the same handler, an affiliate of the handler, or any person who controls or is controlled by the handler, unless its opera-

tion during October through February was in the handler's capacity as a producer-handler. This paragraph shall not apply to any plant which met all the applicable requirements for pool plant status under this order during each of such months of October through February, except that it was operated as a pool plant pursuant to the provisions of the Boston order.

§ 999.21 *Additional requirements for city pool plants.* Each city receiving plant shall be a pool plant in each month in which at least 10 percent of its total receipts of fluid milk products other than cream is disposed of in the marketing area as Class I milk, or in which it is operated by an association of producers. In determining whether a city plant has disposed of the required 10 percent of its receipts as Class I milk in the marketing area, the total quantity of fluid milk products, other than cream, moved from that plant to another city plant which is a regulated plant shall be considered as a disposition of Class I milk in the marketing area up to the quantity of Class I milk disposed of in the marketing area from the other plant.

§ 999.22 *Additional requirements for country pool plants.* (a) Each country receiving plant shall be a pool plant in any month in which more than 50 percent of its total receipts of fluid milk products, other than cream, is disposed of as Class I milk directly to consumers in the marketing area or is shipped as milk to city plants at which more than 50 percent of the total receipts of fluid milk products, other than cream, is disposed of as Class I milk.

(b) Any country plant which is a pool plant continuously in each of the months from October through February shall be a pool plant continuously for the following months of March through September, regardless of the quantity then disposed of in the marketing area, if the handler's written request for pool plant status for such seven-months' period is received by the market administrator before March 1 of that year. Changes in the identity of the handler operating the plant shall not affect the application of this paragraph.

ASSIGNMENT OF RECEIPTS TO CLASSES

§ 999.25 *Assignment of pool handlers' receipts to Class I milk.* For the purpose of computing the net quantity of each pool handler's Class I milk for which a value is to be computed pursuant to § 999.50, his receipts of milk and milk products shall be assigned to Class I milk in the following sequence:

(a) Receipts of exempt milk.

(b) Receipts from regulated plants under other Federal orders, which are assigned to Class I milk pursuant to § 999.27.

(c) Receipts of fluid milk products, other than cream and bulk skim milk, from the regulated city plants of other handlers.

(d) Receipts of milk from producers at a handler's country plant equal to the volume of fluid milk products disposed of directly from the country plant as Class I milk outside the marketing

area without being received at a city plant.

(e) Receipts of milk directly from producers at the handler's city plant.

(f) Receipts of outside milk at the handler's city plant.

(g) Receipts of fluid milk products, other than cream and bulk skim milk from the country pool plants of other handlers, in the order of the nearness of the plants to Worcester.

(h) Receipts of milk from producers at the handler's country plants not previously assigned pursuant to paragraph (d) of this section in the order of the nearness of the plants to Worcester.

(i) Receipts of outside milk at the handler's country plants, in the order of the nearness of the plants to Worcester.

(j) Receipts of bulk skim milk from regulated city plants and then from regulated country plants.

(k) All other receipts or available quantities of fluid milk products, from whatever source derived.

§ 999.26 *Assignment of pool handler's receipts to Class II milk.* Each pool handler's receipts of milk and milk products which are not assigned to Class I milk pursuant to § 999.25 shall be assigned to Class II milk.

§ 999.27 *Receipts from other Federal order plants.* Receipts of fluid milk products from plants regulated by other Federal orders shall be assigned as follows:

(a) Receipts of fluid milk products from regulated plants under the Boston order shall be assigned to the class in which they are classified under that order.

(b) Receipts of fluid milk products, other than cream, from regulated plants under the Merrimack Valley, or Springfield orders shall be assigned to Class I milk, unless the operators of the shipping plant and of the receiving plant file a joint written request to the market administrator for assignment to Class II milk of the fluid milk products so received in such event the fluid milk products shall be assigned to Class II milk up to the total Class II uses of fluid milk products, other than cream, at the receiving plant.

(c) Receipts from New York order pool plants shall be assigned to Class I milk if classified and priced in Classes I-A or I-B under the New York order.

#### REPORTS OF HANDLERS

§ 999.30 *Pool handlers' reports of receipts and utilization.* On or before the 8th day after the end of each month each pool handler shall, with respect to the milk products received by the handler during the month, report to the market administrator in the detail and form prescribed by the market administrator, as follows:

(a) The receipts of milk at each pool plant from producers, including the quantity, if any, received from his own production;

(b) The receipts of fluid milk products at each plant from any other handler, assigned to classes pursuant to §§ 999.25 through 999.27.

(c) The receipts of outside milk and exempt milk at each plant; and

(d) The quantities from whatever source derived which were sold, distributed, or used, including sales to other handlers and dealers, classified pursuant to §§ 999.15 through 999.18.

§ 999.31 *Reports of nonpool handlers.* Each nonpool handler shall file with the market administrator reports relating to his receipts and utilization of fluid milk products. The reports shall be made at the time and in the manner prescribed by the market administrator, except that any handler who receives outside milk during any month shall file the report on or before the 8th day after the end of the month.

§ 999.32 *Reports regarding individual producers.* (a) Within 20 days after a producer moves from one farm to another, starts or resumes deliveries to any of a handler's pool plants, or starts delivering his milk to the handler's plant by tank truck, the handler shall file with the market administrator a report stating the producer's name and post office address, the date on which the change took place, and the farm and plant locations involved. The report shall also state, if known, the plant to which the producer had been delivering prior to starting or resuming deliveries.

(b) Within 15 days after the 5th consecutive day on which a producer has failed to deliver to any of a handler's pool plants, the handler shall file with the market administrator a report stating the producer's name and post office address, the date on which the last delivery was made, and the farm and plant locations involved. The report shall also state, if known, the reason for the producer's failure to continue deliveries.

§ 999.33 *Reports of payments to producers.* Each pool handler shall submit to the market administrator, within 10 days after his request made not earlier than 20 days after the end of the month, his producer payroll for such month, which shall show for each producer:

(a) The daily and total pounds of milk delivered with the average butterfat test thereof; and

(b) The net amount of such handler's payments to such producer with the prices, deductions, and charges involved.

§ 999.34 *Maintenance of records.* Each handler shall maintain detailed and summary records showing all receipts, movements, and disposition of milk and milk products during the month, and the quantities of milk and milk products on hand at the end of the month.

§ 999.35 *Verification of reports.* For the purpose of ascertaining the correctness of any report made to the market administrator as required by this order or for the purpose of obtaining the information required in any such report where it has been requested and has not been furnished, each handler shall permit the market administrator or his agent, during the usual hours of business, to:

(a) Verify the information contained in reports submitted in accordance with this order.

(b) Weight, sample, and test milk and milk products; and

(c) Make such examination of records, operations, equipment, and facilities as the market administrator deems necessary for the purpose specified in this section.

§ 999.36 *Retention of records.* All books and records required under this order to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the calendar month to which such books and records pertain: *Provided*, That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with the proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. The market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

§ 999.37 *Notices to producers.* Each pool handler shall furnish each producer from whom he receives milk with information regarding the daily weight and composite butterfat test of the producer's milk, as follows:

(a) Within 3 days after each day on which he receives milk from the producer, the handler shall give the producer written notice of the daily quantity so received.

(b) Within 7 days after the end of any sampling period for which the composite butterfat test of the producer's milk was determined, the handler shall give the producer written notice of such composite test.

#### MINIMUM CLASS PRICES

§ 999.40 *Class I price at city plants.* The Class I price per hundredweight at city plants shall be the New England basic Class I price per hundredweight determined for each month pursuant to § 999.48 plus 52 cents.

§ 999.41 *Class II price at city plants.* The Class II price per hundredweight at city plants shall be the Class II price determined for each month pursuant to § 904.41 of the Boston order plus 5.8 cents.

§ 999.42 *Country plant price differentials.* In the case of receipts at country plants, the prices determined pursuant to §§ 999.40 and 999.41 shall be subject to differentials based upon the zone location of the plant at which the Class I milk or Class II milk was received. The zone location of each plant shall be based on the distance ascertained by the market administrator as the shortest distance from the plant to the City Hall in Worcester, Massachusetts, over highways on which the high-

way departments of the governing States permit milk tank trucks to move, or on the railway mileage distance to Worcester from the nearest railway shipping point for such plant, whichever is shorter. The applicable zone differentials shall be those set forth in the following table, as adjusted pursuant to § 999.43.

DIFFERENTIALS FOR DETERMINATION OF ZONE PRICES

A	B	C
Zone (miles)	Class I price differentials (cents per hundred-weight)	Class II price differentials (cents per hundred-weight)
Less than 40½	None	None
41 to 50	-41.5	-2.0
51 to 60	-42.5	-3.0
61 to 70	-43.0	-3.0
71 to 80	-44.5	-3.0
81 to 90	-45.0	-3.0
91 to 100	-45.5	-3.0
101 to 110	-45.5	-4.5
111 to 120	-47.0	-4.5
121 to 130	-47.0	-4.5
131 to 140	-48.0	-4.5
141 to 150	-50.5	-4.5
151 to 160	-52.0	-6.0
161 to 170	-52.0	-6.0
171 to 180	-54.5	-6.0
181 to 190	-54.5	-6.0
191 to 200	-56.0	-6.0
201 to 210	-56.0	-7.0
211 to 220	-60.0	-7.0
221 to 230	-60.5	-7.0
231 to 240	-61.5	-7.0
241 to 250	-61.5	-7.0
251 to 260	-62.5	-8.0
261 to 270	-63.0	-8.0
271 to 280	-63.5	-8.0
281 to 290	-64.5	-8.0
291 and over	-65.5	-8.0

§ 999.43 *Automatic changes in zone price differentials and other price factors.* In case the rail tariff for the transportation of milk or cream, as published in New England Joint Tariff M No. 7 and supplements thereto or revisions thereof, is increased or decreased, the zone price differentials set forth in the table in § 999.42 and the price factors specified in §§ 999.40 and 999.41 shall be correspondingly increased or decreased. Such adjustments shall become effective in the first complete month in which the changes in rail tariffs apply. Adjustments pursuant to paragraphs (a), (b), and (c) of this section shall be made to the nearest one-half cent per hundred-weight, and adjustments pursuant to paragraph (d) shall be made to the nearest one-tenth cent per hundred-weight.

(a) If the rail tariff for transporting milk in 40-quart cans in carlots of 200 or more cans is changed, the differentials set forth in column B of the table shall be adjusted to the extent of the change.

(b) If the rail tariff for transporting milk in carlots in tank cars for mileage distances of 201-210 miles is changed, the price factor of 52 cents specified in § 999.40 shall be adjusted to the extent of the change.

(c) If the rail tariff for transporting cream in 40-quart cans in carlots of 100-199 cans is changed, the differentials set forth in column C of the table shall be adjusted by the result obtained by dividing the tariff change by 9.05.

(d) If the rail tariff for transporting cream in 40-quart cans in carlots of

100-199 cans for mileage distances of 201-210 miles is changed, the price factor of 5.8 cents specified in § 999.41 shall be adjusted by the result obtained by multiplying the tariff change by 1.03 and then dividing by 9.05.

§ 999.44 *Use of equivalent factors in formulas.* If for any reason a price, index, or wage rate specified by this order for use in computing class prices and for other purposes is not reported or published in the manner described in this order, the market administrator shall use a price, index, or wage rate determined by the Secretary to be equivalent to or comparable with the factor which is specified.

§ 999.45 *Announcement of class prices.* The market administrator shall make public announcements of the class prices as follows:

(a) He shall announce the Class I price for each month on the 25th day of the preceding month, except that if such 25th day is a Sunday or legal holiday he shall announce the Class I price on the next succeeding work day.

(b) He shall announce the Class II price on or before the 5th day after the end of each month.

## NEW ENGLAND BASIC PRICE FORMULA

§ 999.48 *Computation of New England basic Class I price.* The New England basic Class I price per hundred-weight of milk containing 3.7 percent butterfat shall be determined for each month pursuant to this section. The latest reported figures available to the market administrator on the 25th day of the preceding month shall be used in making the following computations, except that if the 25th day of the preceding month falls on a Sunday or legal holiday the latest figures available on the next succeeding work day shall be used.

(a) Compute the economic index as follows:

(1) Divide by 1.143 the monthly wholesale price index for all commodities as reported by the Bureau of Labor Statistics, United States Department of Labor, with the years 1947-49 as the base period.

(2) Using the data on national and regional per capita income payments as published by the United States Department of Commerce, establish a "New England adjustment percentage" by computing the current percentage relationship of New England per capita income to the national per capita income. Multiply by the New England adjustment percentage the quarterly figure showing the current annual rate of per capita disposable personal income in the United States as released by the United States Department of Commerce or the Council of Economic Advisers to the President. Divide the result by 15.27 to determine an index of per capita disposable income in New England.

(3) Multiply by 20 the average price per 100 pounds paid by farmers in the New England region for all mixed dairy feed of less than 29 percent protein content as reported by the United States Department of Agriculture for the month

and divide the result by 0.884 to determine the dairy ration index. Compute the average, weighted by the indicated factors, of the following farm wage rates reported for the New England region by the United States Department of Agriculture: Rate per month with board and room, 1, rate per month with house, 1, rate per week with board and room, 4.33; rate per week without board or room, 4.33; and the rate per day without board or room, 26. Divide the average wage rate so computed by 1.458 to determine the wage rate index. Multiply the dairy ration index by 0.6 and the wage rate index by 0.4 and combine the two results to determine the grain-labor cost index.

(4) Divide by 3 the sum of the wholesale price index, the index of per capita disposable income in New England, and the grain-labor cost index determined pursuant to this paragraph. The result shall be known as the economic index.

(b) Compute a supply-demand adjustment factor as follows:

(1) Combine into separate monthly totals the receipts from producers for Greater Boston, Merrimack Valley, Springfield, and Worcester and the Class I milk from producers for the same markets as announced by the respective market administrators in the statistical reports for such markets for the second and third months preceding the month for which the price is being computed.

(2) Divide the four-market total of Class I producer milk by the four-market total of receipts from producers for each of the two months for which computations were made pursuant to subparagraph (1) of this paragraph.

(3) Divide each of the percentages determined in subparagraph (2) of this paragraph into the following normal Class I percentage for the respective month, multiply each result by 100, and compute a simple average of the resulting percentages. The result shall be known as the percentage of normal supply.

Month:	Normal Class I percentage
January	70.9
February	73.9
March	65.3
April	57.7
May	51.6
June	50.7
July	61.6
August	70.1
September	70.7
October	73.4
November	82.0
December	77.8

(4) The supply-demand adjustment factor shall be the figure in the following table opposite the bracket under the normal supply column within which the percentage computed pursuant to subparagraph (3) of this paragraph falls. If the percentage falls in an interval between brackets, the applicable bracket shall be that above the interval in which the percentage falls if the adjustment for the previous month was determined by a bracket above such interval, and shall be determined by the bracket below such interval if the adjustment for

the previous month was determined by a bracket below such interval.

Percentage of normal supply:	Supply-demand adjustment factor
91.5 and under.....	1.12
92 to 92.5.....	1.10
93 to 93.5.....	1.08
94 to 94.5.....	1.06
95 to 96.....	1.04
97 to 98.....	1.02
99 to 101.....	1.00
102 to 103.....	.98
104 to 105.....	.96
106 to 107.....	.94
108 to 109.....	.92
110 to 111.....	.90
112 and over.....	.88

(c) The seasonal adjustment factor shall be the factor listed below for the month for which the price is being computed.

Month:	Seasonal adjustment factor
January and February.....	1.04
March.....	1.00
April.....	.92
May and June.....	.88
July.....	.96
August.....	1.00
September.....	1.04
October, November, and December.....	1.08

(d) Compute a New England basic Class I price index by multiplying the economic index determined pursuant to paragraph (a) of this section by the supply-demand adjustment factor determined pursuant to paragraph (b) of this section and multiplying the result by the applicable seasonal adjustment factor pursuant to paragraph (c) of this section.

(e) The New England basic Class I price shall be as shown in the following table:

New England basic Class I price index times \$0.0561.		Class I price
At least	But less than	
\$4.88	\$5.10.....	\$4.99
\$5.10	\$5.32.....	5.21
\$5.32	\$5.54.....	5.43
\$5.54	\$5.76.....	5.65
\$5.76	\$5.98.....	5.87
\$5.98	\$6.20.....	6.09
\$6.20	\$6.42.....	6.31

If the New England basic Class I price index times \$0.0561 is less than \$4.88 or more than \$6.42, the New England basic Class I price shall be determined by extending the table at the indicated rate of extension.

(f) Notwithstanding the provisions of paragraphs (a) through (e) of this section, the New England basic Class I price for November or December of each year shall not be lower than such price for the immediately preceding month.

#### BLENDING PRICES TO PRODUCERS

§ 999.50 *Computation of net value of milk used by each pool handler* For each month, the market administrator shall compute in the following manner the net value of milk which is sold, distributed, or used by each pool handler: (a) From the handler's total Class I milk, subtract all receipts which have been assigned to Class I milk pursuant to § 999.25 (a) (b) (c) (g) and (j)

(b) From the handler's total Class II milk, subtract all receipts which have been assigned to Class II milk pursuant

to § 999.26, except receipts of milk from producers;

(c) Multiply the remaining quantities of Class I milk and Class II milk by the prices applicable pursuant to §§ 999.40, 999.41, and 999.42;

(d) Add together the resulting value of each class;

(e) Add the total amount of the payment required from the pool handler pursuant to § 999.66; and

(f) Subtract the value obtained by multiplying the quantities assigned to Class I milk pursuant to § 999.25 (f) (i) and (k) by the price applicable pursuant to §§ 999.41 and 999.42.

§ 999.51 *Computation of the basic blended price.* The market administrator shall compute the basic blended price per hundredweight of milk delivered during each month in the following manner:

(a) Combine into one total the respective net values of milk computed pursuant to § 999.50 and the payments required pursuant to §§ 999.65 and 999.66 for each handler from whom the market administrator has received at his office, prior to the 11th day after the end of such month, the report for such month and the payments required pursuant to §§ 999.61 (b) 999.65, and 999.66 for the preceding month;

(b) Add the amount of unreserved cash on hand at the close of business on the 10th day after the end of the month from payments made to the market administrator by handlers pursuant to §§ 999.61, 999.62, 999.65, 999.66, and 999.67.

(c) Deduct the amount of the plus differentials, and add the amount to the minus differentials, which are applicable pursuant to § 999.64,

(d) Divide by the total quantity of pool milk for which a value is determined pursuant to paragraph (a) of this section; and

(e) Subtract not less than 4 cents nor more than 5 cents for the purpose of retaining a cash balance in connection with the payments set forth in §§ 999.61 and 999.62. This result, which is the minimum blended price for milk containing 3.7 percent butterfat received from producers at city plants, shall be known as the basic blended price.

§ 999.52 *Announcement of blended prices.* On the 12th day after the end of each month the market administrator shall mail to all pool handlers and shall publicly announce:

(a) Such of these computations as do not disclose information confidential pursuant to the act;

(b) The zone blended prices per hundredweight resulting from adjustment of the basic blended price by the differentials pursuant to § 999.64, and

(c) The names of the pool handlers, designating those whose milk is not included in the computations because of failure to make reports or payments pursuant to this order.

#### PAYMENTS FOR MILK

§ 999.60 *Advance payments.* On or before the 10th day after the end of each month, each pool handler shall make payment to producers for the approximate value of milk received during the

first 15 days of such month. In no event shall such advance payment be at a rate less than the Class II price for such month. The provisions of this section shall not apply to any handler who, on or before the 17th day after the end of the month, makes final payment as required by § 999.61 (a).

§ 999.61 *Final payments.* Each pool handler shall make payment for the total value of milk received during such month as required to be computed pursuant to § 999.50, as follows:

(a) On or before the 25th day after the end of each month, to each producer at not less than the basic blended price per hundredweight, subject to the differentials provided in §§ 999.63 and 999.64, for the quantity of milk delivered by such producer; and

(b) To producers, through the market administrator, by paying to, on or before the 23d day after the end of each month, or receiving from the market administrator, on or before the 25th day after the end of each month, as the case may be, the amount by which the payments at the basic blended price adjusted by the plant and farm location differentials provided in § 999.64 are less than or exceed the value of milk as required to be computed for each such handler pursuant to § 999.50, as shown in a statement rendered by the market administrator on or before the 20th day after the end of such month.

§ 999.62 *Adjustments of errors in payments.* (a) Whenever verification by the market administrator of reports or payments of any handler discloses an error in payments made pursuant to §§ 999.61 (b) 999.65, and 999.66, the market administrator shall promptly issue to the handler a charge bill or a credit, as the case may be, for the amount of the error. Adjustment charge bills issued during the period from the 16th day of the prior month through the 15th day of the current month shall be payable by the handler to the market administrator on or before the 23d day of the current month. Adjustment credits issued during such period shall be payable by the market administrator to the handler on or before the 25th day of the current month.

(b) Whenever verification by the market administrator of the payment to any producer for milk delivered to any handler discloses payment to such producer of an amount less than is required by § 999.61 (a) the handler shall make up such payment to the producer not later than the time of making final payment for the month in which such error is disclosed.

§ 999.63 *Butterfat differential.* Each handler shall, in making payments to each producer for milk received from him, add for each one-tenth of 1 percent of average butterfat content above 3.7 percent, or deduct for each one-tenth of 1 percent of average butterfat content below 3.7 percent, the amount per hundredweight determined for the corresponding month pursuant to § 904.63 of the Boston order.

§ 999.64 *Location differentials.* The payments to be made to producers by

handlers pursuant to § 999.61 (a) shall be subject to the Class I price differentials applicable pursuant to § 999.42, and to further differentials as follows: (a) With respect to milk delivered by a producer whose farm is located in Franklin, Hampshire, Hampden, Worcester, Middlesex, or Norfolk Counties in Massachusetts, or in the towns of Hinsdale, New Hampshire, or Vernon, Vermont, there shall be added 46 cents per hundredweight, unless such addition gives a result greater than the Class I price pursuant to §§ 999.40 and 999.42 which is effective at the plant to which such milk is delivered, in which event there shall be added an amount which will give as a result such price.

§ 999.65 *Payments on outside milk.* Within 23 days after the end of each month, handlers shall make payments to producers, through the market administrator, as follows:

(a) Each buyer-handler or producer-handler, whose receipts of outside milk are in excess of his total use of Class II milk after deducting receipts of cream, shall make payment on such excess quantity at the difference between the Class I and Class II prices pursuant to §§ 999.40, 999.41, and 999.42, effective for the location or zone of the plant at which the handler received the outside milk.

(b) Each handler who operates an unregulated plant from which outside milk is disposed of to consumers in the marketing area without intermediate movement to another plant shall make payment on the quantity so disposed of. The payment shall be at the difference between the Class I and Class II prices pursuant to §§ 999.40, 999.41, and 999.42, effective for the location or zone of the handler's plant.

§ 999.66 *Payments on Class I receipts from other Federal order plants.* Within 23 days after the end of each month, each pool handler, buyer-handler, or producer-handler who received Class I milk from a New York, Boston, Merrimack Valley, or Springfield order regulated plant during the month shall make such payment to producers, through the market administrator, as results from the following computation:

(a) Adjust the price pursuant to §§ 999.40 and 999.42, effective for the location or zone of the plant from which the Class I milk was received, by the butterfat differential calculated pursuant to § 999.63.

(b) Adjust the zone Class I price applicable under the other Federal order (Class I-A or I-B in the case of a New York order plant) by the butterfat differential applicable under that order.

(c) If the adjusted Class I price calculated under paragraph (a) of this section exceeds the corresponding price calculated under paragraph (b) of this section, multiply the quantity of Class I receipts from the other Federal order plant by the difference in price.

§ 999.67 *Adjustment of overdue accounts.* Any balance due, pursuant to §§ 999.61, 999.62, 999.65, and 999.66, to or from the market administrator on the 10th day of any month, for which remittance has not been received in, or

paid from, his office by the close of business on that day, shall be increased one-half of 1 percent effective the 11th day of such month.

§ 999.68 *Statements to producers.* In making the payments to producers prescribed by § 999.61 (a) each pool handler shall furnish each producer with a supporting statement, in such form that it may be retained by the producer, which shall show:

(a) The month and the identity of the handler and of the producer;

(b) The total pounds and average butterfat test of milk delivered by the producer.

(c) The minimum rate or rate at which payment to the producer is required under the provisions of § 999.61 (a)

(d) The rate which is used in making the payment, if such rate is other than the applicable minimum rate;

(e) The amount or the rate per hundredweight of each deduction claimed by the handler, including any deductions claimed under §§ 999.70 and 999.71, together with a description of the respective deductions; and

(f) The net amount of payment to the producer.

#### MARKETING SERVICES

§ 999.70 *Marketing service deduction, nonmembers of an association of producers.* In making payments to producers pursuant to § 999.61 (a) each handler shall, with respect to all milk delivered by each producer other than himself during each month, except as set forth in § 999.71, deduct 3 cents per hundredweight, or such lesser amount as the market administrator shall determine to be sufficient, and shall, on or before the 23d day after the end of each month, pay such deductions to the market administrator. Such moneys shall be expended by the market administrator only in providing for market information to, and for verification of weights, samples, and tests of milk delivered by, such producers. The market administrator may contract with an association or associations of producers for the furnishing of the whole or any part of such services to, or with respect to the milk delivered by, such producers.

§ 999.71 *Marketing service deduction, members of an association of producers.* In the case of producers who are members of an association of producers which is actually performing the services set forth in § 999.70, each handler shall, in lieu of the deductions specified in § 999.70, make such deductions from payments made pursuant to § 999.61 (a) as authorized by such producers and pay on or before the 25th day after the end of each month, such deductions to such associations, accompanied by a statement showing the pounds of milk delivered by each producer from whom the deduction was made.

#### ADMINISTRATION EXPENSE

§ 999.72 *Payment of administration expense.* Within 23 days after the end of each month, each handler shall make payment to the market administrator of his pro rata share of the expense of ad-

ministration of this order, based on the handler's receipts of fluid milk products, other than cream, during the month. The payment shall be at the rate of 4 cents per hundredweight, or such lesser amount as the Secretary may from time to time prescribe, on the handler's receipts of milk from producers, including receipts from his own production, receipts of exempt milk processed at a regulated plant, and his receipts of outside milk, except receipts of outside milk from other Federal order plants; and at the rate by which the rate applicable to milk received from producers exceeds the rate of assessment applicable under the other Federal order, on his receipts from other Federal order plants.

#### OBLIGATIONS

§ 999.73 *Termination of obligations.* The provisions of this section shall apply to any obligation under this order for the payment of money irrespective of when such obligation arose.

(a) The obligation of any handler to pay money required to be paid under the terms of this order shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled, and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this order, to make available to the market administrator or his representatives all books and records required by this order to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this order to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.



(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this order shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or setoff by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

#### MISCELLANEOUS PROVISIONS

§ 999.80 *Effective time.* The provisions of this order, or any amendments to its provisions, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to § 999.81.

§ 999.81 *Suspension or termination.* The Secretary may suspend or terminate this order or any provision thereof whenever he finds that it obstructs or does not tend to effectuate the declared policy of the act. This order shall, in any event, terminate whenever the provisions of the act authorizing it cease to be in effect.

§ 999.82 *Continuing obligations.* If, upon the suspension or termination of any or all provisions of this order, there are any obligations arising under it, the final accrual or ascertainment of which requires further acts by any person, such further acts shall be performed notwithstanding such suspension or termination.

§ 999.83 *Liquidation after suspension or termination.* Upon the suspension or termination of any or all provisions of this order the market administrator, or such person as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office and dispose of all funds and property then in his possession or under his control, together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected pursuant to the provisions of this order, over and

above the amount necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating and distributing such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

§ 999.84 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this order.

Issued at Washington, D. C., this 29th day of July 1955.

[SEAL] F. R. BURKE,  
Acting Deputy Administrator

[F. R. Doc. 55-6254; Filed, Aug. 2, 1955;  
8:51 a. m.]

#### [ 7 CFR Parts 1002, 1009 ]

HANDLING OF MILK IN GREATER WHEELING, WEST VIRGINIA, AND CLARKSBURG, WEST VIRGINIA, MARKETING AREAS

NOTICE OF EXTENSION OF TIME FOR FILING EXCEPTIONS TO RECOMMENDED DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENTS AND ORDERS

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) and the applicable rules of practice and procedure governing the formulation of marketing agreements and orders (7 CFR Part 900) notice is hereby given that the time for filing exceptions to the recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to proposed marketing agreements and orders regulating the handling of milk in the Greater Wheeling, West Virginia, and Clarksburg, West Virginia marketing areas which was issued July 15, 1955 (20 F. R. 5184) is hereby extended until August 18, 1955.

Dated: July 29, 1955.

[SEAL] F. R. BURKE,  
Acting Deputy Administrator.

[F. R. Doc. 55-6255; Filed, Aug. 2, 1955;  
8:51 a. m.]

tions shall be submitted to the Solicitor for concurrence.

3. A new Part V to read as follows is added:

#### PART V—REDELEGATIONS OF AUTHORITY TO SPECIFIED EMPLOYEES

##### PART V-A—OFFICE OF THE DIRECTOR

Sec. 5.11 *Redelegations to Chief, Branch of Field Services.* In accordance with existing policies, regulations and procedures of this Department, and under the direct supervision of the Executive Officer, the Chief, Branch of Field Services, and chiefs of sections of that Branch are authorized to perform the functions of the Director, Bureau of Land Management, in connection with the following matters:

(a) *Amendments of Entries and Patents.*

(b) *Patents.* Issue patents or their equivalent for grants of land under the authority of the Government to be issued in the name of the United States, other than patents or other conveyances which require the approval or signature of the President. Patents may be signed by the Chief of the Patent Section, or in his absence, by the Acting Chief of that Section.

(c) *Cash and credit system.* Take all actions on cash and credit system and preemption entries when full payment has been made.

(d) *Private land and small holding claims.* Take all actions on:

(1) Confirmed private land claims.

(2) Small holding claims.

(e) *Railroad grants.* Approve the validity of the grant rights in regard to railroad grants and claims within such grants pursuant to 43 CFR Part 273.

(f) *Certificates, scrip and lieu selections.* Approve the validity of scrip or other rights pursuant to 43 CFR Parts 130 to 133, inclusive.

(g) *Disposal of specified tracts.* Take all actions in regard to the disposal of specified tracts of public lands when authorized by law.

W. G. GUERNSEY,  
Acting Director.

[F. R. Doc. 55-6225; Filed, Aug. 2, 1955;  
8:45 a. m.]

#### [Document 53]

##### ARIZONA

STOCK DRIVEWAY NO. 56, ARIZONA NO. 2, MODIFIED

1. Pursuant to authority delegated by Document No. 43, Arizona, effective May 19, 1955 (20 F. R. 3514-15), it is ordered as follows:

2. Subject to valid and existing rights, the order dated October 25, 1916, as amended and modified February 13, 1919, July 1, 1920, March 2, 1939, August 19, 1941, and February 27, 1942, establishing and modifying Stock Driveway No. 56, Arizona No. 2, is hereby revoked insofar as it affects the following described land:

GILA AND SALT RIVER MERIDIAN

T. 11 N., R. 2 E.,

Sec. 23: Lot 3 (shown on plat approved May 14, 1920).

## NOTICES

### DEPARTMENT OF THE INTERIOR

#### Bureau of Land Management

[Order 541, Amdt. 7]

#### REDELEGATIONS OF AUTHORITY CONCERNED WITH LANDS AND RESOURCES

JULY 28, 1955.

Bureau Order No. 541 is amended as follows:

1. The present Parts V and VI and the sections thereunder are renumbered as Parts IX and X.

2. Section 4.11 is amended to read as follows:

Sec. 4.11 *Authority in specified matters.* The Eastern States Supervisor may take the following actions:

(a) *Drainage entries.* Take all actions on Arkansas and Minnesota drainage entries, in accordance with 43 CFR Parts 117 and 118, respectively.

(b) *Mineral leases of submerged lands of Outer Continental Shelf issued by a State.* The making of determinations respecting the compliance or noncompliance of mineral leases issued by any State with the requirements of section 6 of the Outer Continental Shelf Lands Act (67 Stat. 462; Public Law 212, 83d Congress), provided that such determina-

The area described aggregates 45.16 acres of public land.

3. The land released from withdrawal by this order shall not become subject to the initiation of any rights or to any disposition under the public land laws until it is so provided by an order of classification to be issued by an authorized officer opening the land to application under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a) as amended with a 91 day preference right period for filing such applications by Veterans of World War II and other qualified persons entitled to preference under the Act of September 27, 1944 (48 Stat. 497; 43 U. S. C. 279-284) as amended.

4. All inquiries relating to this land should be addressed to the Manager, Arizona Land Office, Bureau of Land Management, Room 251 Main Post Office Building, Phoenix, Arizona.

E. R. TRAGITT,  
State Lands and Minerals,  
Staff Officer

JULY 26, 1955.

[F. R. Doc. 55-6224; Filed, Aug. 2, 1955;  
8:45 a. m.]

### Office of the Secretary

#### MINNESOTA CHIPPEWA TRIBE

#### FEDERAL INDIAN LIQUOR LAWS

Pursuant to the act of August 15, 1953 (Public Law 277, 83d Cong., 1st Sess.) I certify that the following ordinance relating to the application of the Federal Indian liquor laws on the Minnesota Chippewa Tribal Reservations in the State of Minnesota was duly adopted by the Minnesota Chippewa Tribe which has jurisdiction over the area of Indian country included in the resolution:

Whereas, Public Law 277, 83d Congress, approved August 15, 1953, provides that sections 1154, 1156, 3113, 3488, and 3618 of title 18, United States Code, commonly referred to as the Federal Indian Liquor Laws, shall not apply to any act or transaction within any area of Indian country provided such act or transaction is in conformity with both laws of the State in which such act or transaction occurs and with an ordinance duly adopted by the tribe having jurisdiction over such area of Indian country, certified by the Secretary of the Interior, and published in the FEDERAL REGISTER, and

Whereas, it is necessary to amend the ordinance regulating liquor in Indian country within our jurisdiction published in the FEDERAL REGISTER on November 25, 1953.

Now, therefore, be it resolved, That the introduction or possession of intoxicating beverages shall be lawful within the Indian country under the jurisdiction of the Minnesota Chippewa Tribe: *Provided*, That such introduction or possession is in conformity with the laws of the State of Minnesota.

Be it further resolved, That the sale of intoxicating beverages shall be lawful within the Indian country under the jurisdiction of the Minnesota Chippewa Tribe, only when all laws of the State have been complied with and a permit is obtained from the Tribal Executive Committee, on the following terms:

To the enterprises operated by the Tribe or subchartered organizations of the different Bands by contract or agreement 15 percent of the Gross Profits.

To all others upon the payment of the following fee:

Off sale beer, \$50.00 quarterly.  
Off and on sale beer, \$100.00 quarterly.  
Intoxicating beverages, off sale, \$500.00 semi-annually.

Intoxicating beverages, off and on sale, \$750.00 semi-annually.

Be it further resolved, That the Ordinance approved and published in the FEDERAL REGISTER on November 25, 1953 (18 Fed. Reg. 7519) and all other tribal laws, resolutions or Ordinances heretofore enacted which prohibits the sale, introduction or possession of intoxicating beverages be and is hereby repealed.

ORME LEWIS,

Assistant Secretary of the Interior

JULY 28, 1955.

[F. R. Doc. 55-6227; Filed, Aug. 2, 1955;  
8:46 a. m.]

## DEPARTMENT OF AGRICULTURE

### Foreign Agricultural Service

#### DIRECTOR OF THE IMPORT DIVISION

#### DELEGATION OF AUTHORITY TO APPROVE ENTRY OF IMPORTS OF CERTIFIED OR REGISTERED SEED GRAINS AND OF GRAIN OR FLOUR FOR EXPERIMENTAL PURPOSES

Pursuant to the authority vested in me by the Secretary of Agriculture (19 F. R. 76) there is hereby delegated to the Director of the Import Division, Foreign Agricultural Service, United States Department of Agriculture, the authority now or hereafter vested in the Secretary of Agriculture by Proclamations issued by the President of the United States of America pursuant to section 22 of the Agricultural Adjustment Act, as amended, 7 U. S. C. 624, to approve, as designated representative of the Secretary, in accordance with the provisions of such Proclamations, entry of imports of certified or registered seed grains and of grain or flour for experimental purposes.

This delegation of authority shall supersede the delegation of authority dated November 15, 1954 (19 F. R. 7740). All actions heretofore taken pursuant to the aforesaid delegation dated November 15, 1954, shall continue in full force and effect unless or until modified, suspended, or terminated under this delegation.

This delegation of authority shall be effective upon publication in the FEDERAL REGISTER.

Done at Washington, D. C., this 29th day of July 1955.

[SEAL] GWYNN GARNETT,  
Administrator  
Foreign Agricultural Service.

[F. R. Doc. 55-6258; Filed, Aug. 2, 1955;  
8:52 a. m.]

## DEPARTMENT OF LABOR

### Wage and Hour Division

#### LEARNER EMPLOYMENT CERTIFICATES

#### ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938, as amended (52 Stat.

1068, as amended; 29 U. S. C. and Sup. 214) and Part 522 of the regulations issued thereunder (29 CFR Part 522), special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners and learning periods for certificates issued under general learner regulations (§§ 522.1 to 522.12) are as indicated below; conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (29 CFR 522.20 to 522.24, as amended April 19, 1955, 20 F. R. 2304)

E & W Manufacturing Co., of Yazoo City, Yazoo City, Miss., effective 7-21-55 to 7-20-56, 10 learners for normal labor turnover purposes in the production of men's and boys' pajamas only (men's and boys' pajamas).

Chas. W. Henson Garment Manufacturing Co., Inc., Lawrenceville, Ga., effective 8-4-55 to 8-3-56, 5 learners for normal labor turnover purposes (work and sport shirts).

Linden Manufacturing Co., Linden, Ala., effective 7-21-55 to 7-20-56, 10 learners for normal labor turnover purposes (cotton dresses).

Rita's Fashions, Lincoln Street, Moscow, Pa., effective 7-22-55 to 7-21-56, 5 learners for normal labor turnover purposes (ladies' blouses, children's dresses).

Roydon Wear, Inc., McRae, Ga., effective 8-8-55 to 8-7-56, 10 percent of the total number of factory production workers for normal labor turnover purposes (boys' outerwear trousers and shorts).

Glove Industry Learner Regulations (29 CFR 522.60 to 522.65, as amended April 19, 1955, 20 F. R. 2304)

Indianapolis Glove Co., Inc., Marlon, Ind., effective 7-25-55 to 7-24-56, 10 learners for normal labor turnover purposes (work gloves).

Hosiery Industry Learner Regulations (29 CFR 522.40 to 522.43, as amended April 19, 1955, 20 F. R. 2304)

Ragan Knitting Co., Inc., Thomasville, N. C., effective 7-21-55 to 7-20-56, 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Wrenn Hosiery Co., Thomasville, N. C., effective 7-21-55 to 7-20-56, 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Independent Telephone Industry Learner Regulations (29 CFR 522.70 to 522.74, as amended April 19, 1955, 20 F. R. 2304)

Stanton Independent Telephone Co., Stanton, Nebr., effective 7-22-55 to 7-21-56.

Knitted Wear Industry Learner Regulations (29 CFR 522.30 to 522.35, as amended April 19, 1955, 20 F. R. 2304)

E & W Manufacturing Co. of Yazoo City, Yazoo City, Miss., effective 7-21-55 to 7-20-56, 10 learners for normal labor turnover purposes in the production of men's under shorts only (men's under shorts).

E & W Manufacturing Co. of Yazoo City, Yazoo City, Miss., effective 7-21-55 to 1-20-56, 5 learners for plant expansion purposes in

the production of men's under shorts only (men's under shorts).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.12, as amended February 28, 1955, 20 F. R. 645)

The following special learner certificates were issued in Puerto Rico to the companies hereinafter named. The effective and expiration dates, the number of learners, the learner occupations, the length of the learning periods and the learner wage rates are indicated, respectively.

Gordonshire Knitting Mills, Cayey, P. R., effective 7-13-55 to 1-12-56, 25 learners in any one work day in the following occupations: Looping, seaming, mending, neck closing, knitting, topping; each 160 hours at 30 cents an hour, 160 hours at 37½ cents an hour and 160 hours at 45 cents an hour (sweaters).

International Molded Plastics of Puerto Rico, Inc., Carolina, P. R., effective 7-25-55 to 1-24-56, 29 learners in any one work day in the following occupations: Performers, molders, sanders, buffers, each 200 hours at 50 cents an hour; inspectors, 160 hours at 50 cents an hour; mold polishers and equipment maintenance helpers, 200 hours at 50 cents an hour and 200 hours at 55 cents an hour (plastic dishes).

Each certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be canceled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the *FEDERAL REGISTER* pursuant to the provisions of Part 522.

Signed at Washington, D. C., this 25th day of July 1955.

MILTON BROOKE,  
*Authorized Representative of the  
Administrator.*

[F. R. Doc. 55-6247; Filed, Aug. 2, 1955;  
8:49 a. m.]

## FEDERAL POWER COMMISSION

[Docket No. G-2573]

TEXAS EASTERN TRANSMISSION CORP.

ORDER FIXING DATE FOR ORAL ARGUMENT

On June 15, 1955, the Presiding Examiner filed his Decision in this proceeding, which Decision was served on all parties on June 16, 1955.

Thereafter, Exceptions to the Presiding Examiner's Decision were duly filed pursuant to section 1.31 of the Commission's Rules of Practice and Procedure (18 CFR 1.31) by The Manufacturers Light and Heat Company and United Gas Improvement Company, interveners in the proceeding and by Commission Staff Counsel. Requests for oral argument were filed by The Manufacturers Light and Heat Company.

No. 150—6

The Commission finds: It is appropriate for carrying out the Natural Gas Act that oral argument be had before the Commission concerning the matters involved in and the issues presented by the Exceptions to the Presiding Examiner's Decision filed herein.

The Commission orders:

(A) Oral argument be had before the Commission on September 20, 1955, at 10:00 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by the Exceptions to the Presiding Examiner's Decision.

(B) Parties to this proceeding who intend to participate in the oral argument shall notify the Secretary of the Commission on or before September 9, 1955, of such intention and of the time requested for presentation of their arguments.

Adopted: July 20, 1955.

Issued: July 27, 1955.

By the Commission.

LEON M. FUQUAY,  
*Secretary.*

[F. R. Doc. 55-6243; Filed, Aug. 2, 1955;  
8:49 a. m.]

[Docket No. G-4583]

G. P. BROWN

NOTICE OF APPLICATION AND DATE OF  
HEARING

JULY 27, 1955.

Take notice that G. P. Brown (Applicant) whose address is Box 652, Shreveport, Louisiana, filed on October 27, 1954, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented on the application which is on file with the Commission and open for public inspection.

Applicant produces natural gas from the Monroe Gas Field, Monroe, Louisiana, which is sold to Southwest Gas Producing Company at 3½ cents per Mcf for transportation in interstate commerce for resale. The rate of delivery will be 200 Mcf per day.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's Rules of Practice and Procedure, a hearing will be held on August 30, 1955, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,*

That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (c) (2) of the Commission's Rules of Practice and Procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the Rules of Practice and Procedure (18 CFR 1.8 or 1.10) on or before August 12, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,  
*Secretary.*

[F. R. Doc. 55-6240; Filed, Aug. 2, 1955;  
8:48 a. m.]

[Docket No. G-4849]

PLACID OIL CO.

NOTICE OF APPLICATION AND DATE OF  
HEARING

JULY 28, 1955.

Take notice that Placid Oil Company (Applicant) a Delaware corporation whose address is 418 Market Street, Shreveport, Louisiana, filed on November 16, 1954, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant sells natural gas produced from the Herbert Clark Unit in the Carthage Field, Panola County, Texas, to Arkansas Fuel Oil Corporation at approximately 8.5 cents per Mcf for transportation in interstate commerce for resale.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's Rules of Practice and Procedure, a hearing will be held on August 24, 1955, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (c) (2) of the Commission's Rules of Practice and Procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the Rules of Practice and Procedure (18 CFR 1.8 or 1.10) on or before August 12, 1955. Failure of any

party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,  
Secretary.

[F. R. Doc. 55-6237; Filed, Aug. 2, 1955;  
8:48 a. m.]

[Docket No. G-5181]

SUNRAY OIL CORP.

NOTICE OF APPLICATION AND DATE OF  
HEARING

JULY 27, 1955.

Take notice that Sunray Oil Corporation, Applicant, a Delaware corporation whose address is Tulsa, Oklahoma, filed on November 22, 1954, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant sells natural gas produced from the Guymon-Hugoton field in Texas County, Oklahoma, to Northern Natural Gas Company at approximately 15 cents per Mcf for transportation in interstate commerce for resale.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's Rules of Practice and Procedure, a hearing will be held on August 24, 1955, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (c) (2) of the Commission's Rules of Practice and Procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the Rules of Practice and Procedure (18 CFR 1.8 or 1.10) on or before August 17, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,  
Secretary.

[F. R. Doc. 55-6244; Filed, Aug. 2, 1955;  
8:49 a. m.]

[Docket No. G-5182]

SUNRAY OIL CORP.

NOTICE OF APPLICATION AND DATE OF  
HEARING

JULY 27, 1955.

Take notice that Sunray Oil Corporation, Applicant, whose address is Tulsa, Oklahoma, filed on November 22, 1954, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant sells natural gas produced from the Keyes field in Cimarron County, Oklahoma, to Colorado Interstate Gas Company at approximately 9.8 cents per Mcf for transportation in interstate commerce for resale.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's Rules of Practice and Procedure, a hearing will be held on August 24, 1955, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (c) (2) of the Commission's Rules of Practice and Procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the Rules of Practice and Procedure (18 CFR 1.8 or 1.10) on or before August 17, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,  
Secretary.

[F. R. Doc. 55-6245; Filed, Aug. 2, 1955;  
8:49 a. m.]

[Docket No. G-5694]

KERMIT GAS CORP.

NOTICE OF APPLICATION AND DATE OF  
HEARING

JULY 27, 1955.

Take notice that Kermit Gas Corporation (Applicant) a West Virginia corporation whose address is P. O. Box 1716, Williamson, West Virginia, filed on November 23, 1954, an application for a certificate of public convenience and

necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant produces natural gas from the Warfield Field, Kermit District, Mingo County, West Virginia, which is sold to the United Fuel Gas Company at 16 cents per Mcf for transportation in interstate commerce for resale.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's Rules of Practice and Procedure, a hearing will be held on August 29, 1955, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (c) (2) of the Commission's Rules of Practice and Procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the Rules of Practice and Procedure (18 CFR 1.8 or 1.10) on or before August 12, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,  
Secretary.

[F. R. Doc. 55-6241; Filed, Aug. 2, 1955;  
8:48 a. m.]

[Docket Nos. G-6447, G-6448]

RIP C. UNDERWOOD

NOTICE OF APPLICATION AND DATE OF  
HEARING

JULY 27, 1955.

Take notice that Rip C. Underwood (Applicant), an individual whose address is 213 First National Bank Building, Amarillo, Texas, filed on November 29, 1954, applications for certificates of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant produces natural gas from the Keyes Dome Field, Texas and Cimarron Counties, Oklahoma, which is sold

to the Colorado Interstate Gas Company at 15 cents per Mcf for transportation in interstate commerce for resale.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's Rules of Practice and Procedure, a hearing will be held on August 31, 1955, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (c) (2) of the Commission's Rules of Practice and Procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the Rules of Practice and Procedure (18 CFR 1.8 or 1.10) on or before August 12, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,  
Secretary.

[F. R. Doc. 55-6242; Filed, Aug. 2, 1955;  
8:49 a. m.]

[Docket No. G-6517]

C. E. STARRETT

NOTICE OF APPLICATION AND DATE OF  
HEARING

JULY 28, 1955.

Take notice that C. E. Starrett, (Applicant) an individual whose address is Refugio, Texas, filed on November 29, 1954, an application for a certificate of public convenience and necessity pursuant to Section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant sells natural gas produced from the Fox and Fagan fields in Refugio County, Texas, to United Gas Pipe Line Company, at approximately six cents per Mcf, for transportation in interstate commerce for resale.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's Rules of Practice and Pro-

cedure, a hearing will be held on August 24, 1955, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (c) (2) of the Commission's Rules of Practice and Procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the Rules of Practice and Procedure (18 CFR 1.8 or 1.10) on or before August 12, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,  
Secretary.

[F. R. Doc. 55-6238; Filed, Aug. 2, 1955;  
8:48 a. m.]

[Docket No. G-6940]

GAS PROPERTIES, INC.

NOTICE OF APPLICATION AND DATE OF HEARING

JULY 26, 1955.

Take notice that Gas Properties, Inc., Applicant, a corporation whose address is One South William Street, New York City 4, New York, filed on November 30, 1954, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant produces natural gas from North Pettus and Burnell Fields in Bee, Karnes and Goliad Counties, Texas, and sells it in interstate commerce to United Gas Pipe Line Company for resale. The price is 7 cents per Mcf.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's Rules of Practice and Procedure, a hearing will be held on August 25, 1955 at 9:45 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (c) (2) of the Commission's Rules of Practice and Procedure.

Protests or petitions to intervene may be filed with the Federal Power Commis-

sion, Washington 25, D. C., in accordance with the Rules of Practice and Procedure (18 CFR 1.8 or 1.10) on or before August 11, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,  
Secretary.

[F. R. Doc. 55-6233; Filed, Aug. 2, 1955;  
8:47 a. m.]

[Docket Nos. G-6947, G-6956]

CONTINENTAL OIL CO.

NOTICE OF APPLICATIONS AND DATE OF  
HEARING

JULY 26, 1955.

Take notice that Continental Oil Company, Applicant, a Delaware corporation, whose address is 603 Fannin Street, Houston, Texas, filed on November 30, 1954 an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant produces natural gas in Carthage Field, Panola County, Texas, and sells it in interstate commerce to Texas Gas Transmission Corporation for resale. Applicant also produces natural gas in Edmond Field, Canadian and Oklahoma Counties, Oklahoma, and it buys gas from other producers which it sells in interstate commerce to Cities Service Gas Company for resale, which said gas produced by others is produced in Logan and Oklahoma Counties, Oklahoma. The price of gas produced in Texas is 9.5 cents per Mcf and the price of the gas to Cities Service Gas Company is 6.5 cents per Mcf.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's Rules of Practice and Procedure, a hearing will be held on August 24, 1955 at 10:00 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (c) (2) of the Commission's Rules of Practice and Procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the Rules of Practice and Procedure (18 CFR 1.8 or 1.10) on or before Au-



gust 11, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,  
Secretary.

[F. R. Doc. 55-6234; Filed, Aug. 2, 1955;  
8:47 a. m.]

[Docket Nos. G-6964, etc.]

LIMA GAS CO. ET AL.

NOTICE OF APPLICATIONS AND DATE OF  
HEARING

JULY 26, 1955.

In the matters of Lima Gas Company et al., Docket No. G-6964, Lloyd Kelley Lease et al., Docket No. G-6965; A. J. Huffman Lease et al., Docket No. G-6966; Sida Hathaway Lease et al., Docket No. G-6967; H. B. Scott et al., Docket No. G-6969; Four Way Oil & Gas Company et al., Docket No. G-6970; Hathaway and Miller, Docket No. G-6971.

Take notice that the above-designated Applicants hereinafter referred to singly and collectively as Applicant, through Bernard R. Hays, Agent, of Spencer, West Virginia, filed on November 30, 1954, applications for certificates of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as is more fully represented in the application which is on file with the Commission and open for public inspection.

The above designated applicants propose to produce natural gas from various fields in West Virginia, as shown by the tabulation below and to sell the same in interstate commerce to Godfrey L. Cabot, Inc., for resale.

Docket No.	Field	County	Price per Mcf (cents)
G-6964	Washington District	Calhoun	12
G-6965	Sherman District	do	12
G-6966	do	do	12
G-6967	do	do	12
G-6969	do	do	12
G-6970	do	do	12
G-6971	do	do	12

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's Rules of Practice and Procedure, a hearing will be held on August 25, 1955, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Wash-

ington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however* That the Commission may after a non-contested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (c) (2) of the Commission's Rules of Practice and Procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the Rules of Practice and Procedure (18 CFR 1.8 or 1.10) on or before August 11, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,  
Secretary.

[F. R. Doc. 55-6235; Filed, Aug. 2, 1955;  
8:47 a. m.]

[Docket No. G-8589]

NORTHERN NATURAL GAS PRODUCING CO.

NOTICE OF APPLICATION AND DATE OF  
HEARING

JULY 28, 1955.

Take notice that Northern Natural Gas Producing Company (Applicant) a Delaware corporation whose address is 2223 Dodge Street, Omaha 1, Nebraska, filed on March 15, 1955, an application which was supplemented on April 4, 1955, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to sell natural gas produced from the Hugoton gas field of Kansas to Northern Natural Gas Company at 11 cents per Mcf for transportation in interstate commerce for resale.

A temporary certificate covering the proposed sale was issued by the Commission under date of June 16, 1955.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's Rules of Practice and Procedure, a hearing will be held on August 24, 1955, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however* That the Commission may, after a non-contested hearing dispose of the proceedings pursuant to the provisions of

section 1.30 (c) (1) or (c) (2) of the Commission's Rules of Practice and Procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the Rules of Practice and Procedure (18 CFR 1.8 or 1.10) on or before August 12, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,  
Secretary.

[F. R. Doc. 55-6239; Filed, Aug. 2, 1955;  
8:48 a. m.]

[Docket Nos. G-8661, G-9009]

TENNESSEE GAS TRANSMISSION CO. AND  
ALGONQUIN GAS TRANSMISSION CO.

NOTICE OF APPLICATIONS AND DATE OF  
HEARING

JULY 26, 1955.

Take notice that Tennessee Gas Transmission Company (Tennessee), a Delaware corporation whose address is Houston, Texas, filed on June 20, 1955, a petition for modification of the Commission's order issued May 31, 1955, in Docket No. G-8661, to authorize Tennessee to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Take notice also that Algonquin Gas Transmission Company (Algonquin), a Delaware corporation whose address is Boston, Massachusetts, filed on June 7, 1955, an application in Docket No. G-9009 for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act authorizing Algonquin to transport natural gas as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Tennessee requests authority to deliver to Algonquin Gas Transmission Company at an interconnection of their facilities near Ramsay, New Jersey, a maximum of 10,200 Mcf of natural gas per day for the account of Consolidated Edison Company of New York, Inc. Algonquin proposes to transport the gas from the Ramsay connection to points of connection with the facilities of Consolidated at Peekskill, New York, or Yorktown, New York. The volumes sold by Tennessee to Consolidated have been previously authorized by the Commission in its Opinion No. 278 and accompanying order issued December 28, 1954, in the Matters of Tennessee Gas Transmission Company, et al. Docket No. G-2331.

These related matters should be heard on a consolidated record and disposed

of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's Rules of Practice and Procedure, a hearing will be held on August 30, 1955, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (c) (2) of the Commission's Rules of Practice and Procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the Rules of Practice and Procedure (18 CFR 1.8 or 1.10) on or before August 18, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL]

LEON M. FUQUAY,  
Secretary.

[F. R. Doc. 55-6236; Filed, Aug. 2, 1955;  
8:48 a. m.]

## GENERAL SERVICES ADMINISTRATION

[Project No. 3-DC-01]

### FEDERAL OFFICE BUILDING

#### PROSPECTUS FOR PROPOSED BUILDING IN SOUTHWESTERN PORTION OF THE DISTRICT OF COLUMBIA

**EDITORIAL NOTE:** This prospectus of proposed Project Number 3-DC-01 is published pursuant to section 412 (f) of the Public Buildings Purchase Contract Act of 1954, as amended by Public Law 150, 84th Congress, which requires publication in the FEDERAL REGISTER for a period of ten consecutive days from date of submission to the Committees on Public Works of the Senate and House of Representatives.

Project Number 3-DC-01

#### PROSPECTUS FOR PROPOSED BUILDING UNDER TITLE I, PUBLIC LAW 519, 83d CONGRESS, 2D SESSION

FEDERAL OFFICE BUILDING, WASHINGTON, D. C.

##### A. Brief description of proposed building:

The project contemplates the erection of a Federal Office Building on a site to be acquired in the Southwest redevelopment area.

The proposed building will be a six-story and penthouse structure, stone exterior, with cafeteria included, and air conditioned throughout. It will have a gross floor area of 815,000 square feet, that will provide 558,000 square feet of net space, of which 500,000 square feet will be office area, 10,000 square feet for shops, 34,000 square feet for cafeteria, and 14,000 square feet for custodial, health unit, etc.

#### B. Maximum cost and financing:

1. Total over-all value of project	\$20,200,000
a. Items not included in purchase contract:	
(1) Architectural	\$935,000
(2) Land	2,500,000
	\$3,435,000
b. Purchase contract costs:	
(1) Improvements	\$16,705,000
2. Contract Term	10 to 25 years
3. Maximum rate of interest on purchase contract	4%
C. Estimated annual costs:	
1. 25 Year Contract Term:	
a. Purchase contract payments:	
(1) Amortization and interest	\$1,069,320
(2) Taxes	251,213
Rate per net sq. ft. \$2.37.	\$1,320,533
b. Costs not included in purchase contract payments:	
(1) Custodial and utilities	\$538,000
(2) Repair and maintenance	82,000
Rate per net sq. ft. \$1.11.	\$620,000
c. Total Estimated Annual Cost	\$1,940,533
Rate per net sq. ft. \$3.48.	
2. Second 25 Year Term:	
a. Custodial and utilities	\$538,000
b. Repairs and maintenance	160,000
c. Total Estimated Annual Cost	\$698,000
Rate per net sq. ft. \$1.25.	
3. 50 Year Average:	
a. Total Estimated Annual Cost	\$1,319,267
Rate per net sq. ft. \$2.36.	
4. Annual Rental Costs for Comparable Space (Net Agency)	\$1,970,000
Rate per net sq. ft. \$3.94.	
5. Maximum Annual Payment Permitted (15% of fair market value.)	\$3,030,000

NOTE: All estimates based on 1955 price levels.

#### D. Present annual rental and other housing costs:

	Net sq. ft.	Unit cost	Total cost
1. Existing Tempo's 4, 5 and T (or comparable space), to be supplanted by proposed building	500,000	\$3.00	\$1,500,000

#### E. Justification of project:

##### 1. Lack of Suitable Space:

a. The needs for space for the permanent activities of the Federal Government cannot be satisfied by utilization of existing Government-owned space.

b. Suitable rental space of comparable sort and characteristics is not available at a price commensurate with that to be afforded through the contract proposed.

c. The space requested and proposed is needed for permanent activities of the Federal Government.

d. The best interest of the Government will be served by taking the action proposed.

##### 2. Existing Conditions:

During the past several years there has been an active and widespread movement on the part of the public and Governmental agencies, notably the Commission of Fine Arts, concerning the removal of World War I and II Tempos and the restoration of the park lands.

Data compiled as of December 31, 1954, indicates that the Federal Government is currently utilizing four (4) World War I Tempos, providing 2,083,903 square feet of net agency space, with 16,506 personnel; and 35 World War II Tempos, providing 3,585,063 square feet, with 22,823 personnel. In summary, 39 Tempos, providing a total of 5,668,966 square feet of net agency space, with aggregate personnel of 39,329. The aforementioned figures do not include space or personnel of the Central Intelligence Agency.

The Congress, long sympathetic to the insistent demand for the razing of the Tempo's has considered several proposed bills to ac-

complish this purpose. Among these was S 1290, passed in the Senate on June 8, 1955, and enacted as Public Law 150, 84th Congress, approved July 12, 1955. That law expressly manifests the intent of Congress that (1) provision of accommodations for executive agencies by GSA as a part of the program for redevelopment of the southwest portion of the District of Columbia be accomplished on a lease-purchase basis and (2) temporary space of equivalent occupancy be demolished.

The proposed building will provide approximately 500,000 square feet of net office space, to accommodate equivalent personnel displaced from temporary buildings contemplated for initial demolition under current long-range planning programs.

##### 3. Direct and Indirect Benefits Expected to Accrue.

a. Agencies whose related operations are scattered among two or more locations will be able to concentrate all of them in a single location and thereby realize appreciable economies deriving from such factors as contiguity of operating elements, immediate accessibility of employees and records, and elimination of transportation and communication delays.

b. The accommodation of Federal agencies in a single building will provide flexibility in making internal reassignments of agency space where increases or decreases in requirements occur.

c. The proposed building will be functional in concept and devoid of excessive embellishment and extravagant appointments. The design of the building and facilities will provide for the utmost economy in construction; maintenance and operation costs considered. It will be provided with modern fittings, appointments and conveniences comparable to those provided in buildings of private enterprise. Maintenance and improvement of employee morale and the consequent increasing of employee efficiency over a period of years may thus be confidently expected to result in intangible though nonetheless real economies.

**F. Analysis of project space:**

1. Since this project is intended to provide for relocation of numerous Federal activities now housed in temporary buildings, no specific allocation of space among agencies can be made. Therefore requirement for Certificate of Need otherwise required by Section 411 (e) of the Public Buildings Purchase Contract Act of 1954 was waived in Public Law 150, 84th Congress.
2. Space:
  - a. Distribution:

Agency	Tempo's 4, 5, and T proposed			
	Net sq. ft.	Personnel	Net sq. ft.	Personnel
The specific allocation of agencies to be quartered in the proposed building has not been presently determined.				
Subtotal, Agency Space.....	500,520	3,072	500,000	3,700
General Services:				
Custodial and Shops.....			22,000	132
Health Unit and Vending Stand.....			2,000	3
Cafeteria.....			34,000	50
Total.....	500,520	3,072	558,000	3,885

**b. Utilization:**

Agency Space—sq. ft. per person.....	163	135
Total Space—sq. ft. per person.....	163	144

c. Efficiency Ratio, net to gross (net assignable)..... 68.5%

**G. Analysis of project cost:**

1. Costs of Improvements—Normal:
  - a. Construction.....\$12,250,000
  - b. Elevator.....430,000
  - c. Air Conditioning.....1,750,000
  - d. Interest, taxes, etc., during construction.....730,000

Cost per gross sq. ft. \$18.60. \$15,160,000
2. Costs of Improvements—Additional:
  - a. Approaches & utilities.....\$150,000
  - b. Steam connection.....120,000
  - c. Stone face.....525,000
  - d. Contingencies.....750,000

\$1,545,000
3. Total Cost of Improvement.....\$16,705,000
4. Costs Not Included in Purchase Contract:
  - a. Architectural.....\$995,000
  - b. Land to be acquired (Est. Cost).....2,500,000

\$3,495,000
5. Total over-all value of project.....\$20,200,000

**H. Other selected data:**

1. The proposed contract provisions will not exceed the amount necessary to:

- a. Amortize principal.
- b. Provide interest not to 4% of the outstanding principal.
- c. Reimburse contractor for the cost of taxes and interest during construction.
- d. Reimburse contractor for proportional charge for redevelopment general area, streets and utilities.

2. It is proposed to make awards on financing and construction by competition.

3. Estimated completion date for the project is 40 months from date of final approval.

4. Taxes computed on basis of 75% ratio and \$22.00 per \$1,000.

5. Insurance included during construction only as part of total cost borne by construction contractor. During post-construction period Government will act as self-insurer.

Project Number 3-DC-01

**Submission**

Submitted at Washington, D. C.

**Recommended:**

[S] PETER A. STROBEL,  
Commissioner of Public Buildings Service,  
General Services Administration.

**Approved:**

[S] A. E. SNYDER,  
Acting Administrator,  
General Services Administration.

**Statement of Director, Bureau of the Budget****EXECUTIVE OFFICE OF THE PRESIDENT****BUREAU OF THE BUDGET**

WASHINGTON, D. C.

Project 3-DC-01  
Federal Office Building,  
Southwest Redevelopment Area,  
Washington, D. C.

JULY 22, 1955.

MY DEAR MR. MANSURE:

Pursuant to section 411 (e) (8) of the Public Buildings Purchase Contract Act of 1954 (Public Law 519), the proposal for a Federal Office Building, transmitted with your letter of June 28, 1955, has been examined and in my opinion "is necessary and in conformity with the policy of the President." This approval is given with the following understandings:

1. That the project cost of \$20,200,000 (including \$2,500,000 for land to be acquired) is a maximum figure.

2. That the reported annual operating cost of existing Tempos 4, 5 and T, i. e., 99¢ per sq. ft., represents minimum maintenance in anticipation of demolition, and that temporary Government buildings actually cost more to maintain than the proposed new building.

3. That the proposed building will house some 10 percent of Federal employees presently housed in temporary buildings, and that the specific allocation of agencies in the proposed building is to be determined later by GSA.

4. That every effort will be made to design and construct space conducive to maximum efficient utilization and to take advantage of any revision of cost downward which may be found possible as the plans develop and negotiations are advanced.

You appreciate, of course, that this project will receive a more detailed review as to cost and space utilization prior to approval of the lease-purchase agreement.

Sincerely yours,

[Signed] ROWLAND HUGHES,  
Director.

HON. EDMUND F. MANSURE,  
Administrator,  
General Services Administration,  
Washington 25, D. C.

[F. R. Doc. 55-6130; Filed, July 26, 1955;  
10:09 a. m.]

**CIVIL AERONAUTICS BOARD**

[Docket No. 7124]

LINEAS AEREAS COSTARRICENSES, S. A.  
(LACSA)

**NOTICE OF POSTPONEMENT OF HEARING**

Notice is hereby given that hearing in the above-entitled proceeding assigned for July 27, 1955, is postponed and will be held on August 4, 1955, at 10:00 a. m. (eastern daylight saving time) in Room 2505, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Joseph L. Fitzmaurice.

Dated at Washington, D. C., July 20, 1955.

[SEAL] FRANCIS W. BROWN,  
Chief Examiner.

[F. R. Doc. 55-6253; Filed, Aug. 2, 1955;  
8:51 a. m.]

**HOUSING AND HOME  
FINANCE AGENCY****Public Housing Administration****FIELD OFFICES****DELEGATIONS OF AUTHORITY TO ACT AS  
DIRECTORS**

Section I, Description of Agency and Principal Programs, is amended as follows:

Paragraph F is amended by adding the following:

In the absence of the Field Office Director, the following shall serve as Acting Field Office Director in the Field Office indicated: *Provided*, That in each Field Office the second named shall so serve only in the absence of both the Field Office Director and the first named:

**Atlanta Field Office:**

1. John Jones Knudson, Assistant Director for Development.

2. R. E. Bates, Assistant Director for Management and Disposition.

**Chicago Field Office:**

1. Hugo C. Schwartz, Assistant Director for Disposition.

2. Albert F. Muench, Field Office Attorney, Fort Worth Field Office:

1. C. J. Stenzel, Deputy Director.
2. Karl Buster, Assistant Director for Management and Disposition.

## New York Field Office:

1. Richard S. Pallesen, Assistant Director for Development.

2. John P. Prescott, Assistant Director for Management.

## San Francisco Field Office:

1. E. Stanton Foster, Deputy Director.

2. Arthur L. Chladek, Assistant Director for Management and Disposition.

## Washington Field Office:

1. Roy M. Little, Assistant Director for Management and Disposition.

2. R. Stanley Sweeley, Assistant Director for Development.

Date approved: July 27, 1955.

[SEAL] - CHARLES E. SLUSSER,  
Commissioner

[F. R. Doc. 55-6228; Filed, Aug. 2, 1955;  
8:46 a. m.]

## INTERSTATE COMMERCE COMMISSION

[Notice 71]

### MOTOR CARRIER APPLICATIONS

JULY 29, 1955.

Protests, consisting of an original and two copies, to the granting of an application must be filed with the Commission within 30 days from the date of publication of this notice in the FEDERAL REGISTER and a copy of such protest served on the applicant. Each protest must clearly state the name and street number, city and state address of each protestant on behalf of whom the protest is filed (49 CFR 1.240 and 1.241). Failure to seasonably file a protest will be construed as a waiver of opposition and participation in the proceeding unless an oral hearing is held. In addition to other requirements of Rule 40 of the General Rules of Practice of the Commission (49 CFR 1.40) protests shall include a request for a public hearing, if one is desired, and shall specify with particularity the facts, matters, and things, relied upon, but shall not include issues or allegations phrased generally. Protests containing general allegations may be rejected. Requests for an oral hearing must be supported by an explanation as to why the evidence cannot be submitted in forms of affidavits. Any interested person, not a protestant, desiring to receive notice of the time and place of any hearing, pre-hearing conference, taking of depositions, or other proceedings shall notify the Commission by letter of telegram within 30 days from the date of publication of this notice in the FEDERAL REGISTER.

Except when circumstances require immediate action, an application for approval, under Section 210a (b) of the Act, of the temporary operations of motor carrier properties sought to be acquired in an application under Section 5 (a) will not be disposed of sooner than 10 days from the date of publication of this notice in the FEDERAL REGISTER. If a protest is received prior to action being taken, it will be considered.

#### APPLICATIONS OF MOTOR CARRIERS OF PROPERTY

No. MC 1827 Sub 26, filed July 21, 1955, K. W. McKEE INCORPORATED, 2239 Ford Road, St. Paul 1, Minn. Appli-

cant's representative: A. R. Fowler, 2288 University Ave., St. Paul 14, Minn. For authority to operate as a contract carrier, over irregular routes, transporting: *New automobiles*, by truckaway method, and *new trucks*, by truckaway and drive-away methods, in initial movements, from St. Paul, Minn. to points in Illinois south of the southern boundaries of Vermillion, Champaign, Platt, De Witt, Logan, Mason, Schuyler, and Hancock Counties, and to points in Indiana except those in Elkhart, Kosciusko, Lake, La Porte, Marshall, Porter, St. Joseph, and Starke Counties; *damaged, defective, or returned shipments of new automobiles and new trucks* on return. Applicant is authorized to conduct operations in Illinois, Indiana, Minnesota, Iowa, North Dakota, South Dakota, Wisconsin, Montana, Colorado, Wyoming, Kansas, Utah and Idaho.

No. MC 2989 Sub 23, filed July 20, 1955, DAYS TRANSFER, INC., 730 E. Beardsley Ave., Elkhart, Ind. Applicant's attorney: Walter N. Bleneman, Guardian Bldg., Detroit 26, Mich. For authority to operate as a *common carrier* over irregular routes, transporting: *General commodities*, except those of unusual value, Class A and Class B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, serving the plant of the Ford Motor Company located at or near the intersection of Mound Road and Seventeen Mile Road in Sterling Township, Macomb County, Mich. as an off-route point in connection with applicant's authorized regular route operations between Detroit, Mich. and Ann Arbor, Mich. over U. S. Highway 112. Applicant is authorized to conduct operations in Indiana, Illinois, and Michigan.

No. MC 8989 Sub 154, filed July 13, 1955, HOWARD SOBER, INC., 2400 West St. Joseph Street, Lansing, Mich. Applicant's attorney: Albert F. Beasley, Investment Building, 15th and K Streets NW., Washington 5, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Motor trucks, motor truck-tractors, motor truck chassis, motor truck vehicles* (except trailers) designed for the transportation of passengers and of property, with or without bodies, such as squadrols, busses, ambulances and station-wagon type vehicles, and *parts thereof*, in initial movements, in driveaway and truckaway service, from Bridgeport, Conn., to all points in the United States. Applicant is authorized to conduct operations throughout the United States.

NOTE: Under Certificate No. MC 8989 Sub 140 applicant is authorized to transport new trucks, in initial movements, in driveaway and truckaway service, from Bridgeport, Conn., to all points in the United States. Applicant states the only purpose of filing this application is to broaden the commodity description.

No. MC 17226 Sub 7, filed July 22, 1955, FRUIT BELT MOTOR SERVICE, INC., 3909 W. Harrison Street, Chicago 24, Ill. Applicant's attorney: Eugene L. Cohn, One North La Salle Street, Chicago 2, Ill. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Machinery, parts, mate-*

*rials and supplies* used in the manufacture, shipping or operation of household laundry machines, (1) between St. Joseph and Benton Harbor, Mich., and La Porte, Ind., on the one hand, and, on the other, Marion, Ohio, (2) from Chicago, Ill., to Marion and Clyde, Ohio, and (3) from Elgin, Ill., to Clyde, Ohio. *Skids, pallets, racks and containers* used in the transportation of the above-specified commodities, (1) between St. Joseph and Benton Harbor, Mich., and La Porte, Ind., on the one hand, and on the other, Marion, Ohio, (2) from Clyde and Marion, Ohio, to Chicago, Ill., and (3) from Clyde, Ohio, to Elgin, Ill. RESTRICTION: Service proposed to be restricted to that to be performed for, or in behalf of, Whirlpool Corporation. Applicant is authorized to conduct operations in Illinois, Indiana, Michigan and Ohio.

No. MC 30237 Sub 6, filed July 20, 1955, LOTA H. YEATTS, doing business as YEATTS TRANSFER COMPANY, 1001 Broad St., Altavista, Va. Applicant's attorney: Wilbert G. Burnette, 1104-5 Peoples National Bank Building, Lynchburg, Va. For authority to operate as a *common carrier* over irregular routes, transporting: *New furniture*, from Altavista, Va., to points in Delaware, Maryland, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Virginia, West Virginia and District of Columbia, and *damaged or refused new furniture*, from points in Delaware, Maryland, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Virginia, West Virginia and the District of Columbia, to Altavista, Va. Applicant is authorized to conduct operations in all of the above-specified states.

No. MC 32903 Sub 3, filed July 18, 1955, FAITH E. SHEARER, doing business as ECKER TRUCK SERVICE, 414 Ecker Ave., Bourbon, Ind. Applicant's attorney: Robert C. Smith, 512 Illinois Bldg., Indianapolis, Ind. For authority to operate as a *common carrier* over irregular routes, transporting: *Agricultural implements*, from Sandwich, Ill. to points in Fulton, Cass, Kosciusko, Miami, Marshall, St. Joseph, Howard, Porter, Pulaski, Starke, Wabash, and Huntington Counties, Ind., *fertilizer*, from Chicago, Ill. to Elkhart, Marshall, and Kosciusko Counties, Ind., *cracklings and feed ingredients*, from points in Berrien, Cass, St. Joseph, Branch, Kalamazoo, Calhoun, and Allegan Counties, Mich. to Mishawaka, Ind., *feed, feed ingredients, and tankage*, from Mishawaka, Ind. to Gibson City, Ill., *feed*, from Chicago, Ill. to Bluffton, Ind. Applicant is authorized to conduct operations in Illinois, Ohio, and Indiana.

No. MC 42146 Sub 5, filed July 19, 1955, THE A. G. BOONE COMPANY, a corporation, 1117 S. Clarkson St., Charlotte, N. C. Applicant's attorney: Allen Post, 1220 First National Bank Building, Atlanta 3, Ga. For authority to operate as a *contract carrier* over regular routes, transporting: *Bread, rolls, cakes, and all other bakery products*, and *empty containers* used in transporting such commodities, between Atlanta, Ga., and Prattville, Ala., over Georgia Highway 85 from Atlanta to Columbus, Ga., thence over U. S. Highway 80 to junction U. S.

Highway 29 (also over U. S. Highway 29 from Atlanta through Opelika, Ala., to junction U. S. Highway 80) thence over U. S. Highway 80 to Montgomery, Ala., thence over U. S. Highway 82 to Prattville, and return over the same highways, serving all intermediate points. Applicant is authorized to conduct regular route operations in Alabama and Georgia.

No. MC 52752 Sub 8, filed July 18, 1955, WESTERN TRANSPORTATION COMPANY, a corporation, 1300 W 35th Street, Chicago 9, Ill. Applicant's attorney Eugene L. Cohn, One North LaSalle Street, Chicago 2, Ill. For authority to operate as a *common carrier* transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving Middle Amana, Iowa, as an off-route point, in connection with carrier's regular route operations between (a) Chicago, Ill., and Des Moines, Iowa over U. S. Highway 6, and (b) Chicago, Ill., and Fort Dodge, Iowa, over U. S. Highways 30 and 218. Applicant is authorized to conduct operations in Illinois, Indiana and Iowa.

No. MC 59726 Sub 1, filed July 14, 1955, FORD R. HARMER, doing business as HARMER TRANSFER, Route 3, Black River Falls, Wis. Applicant's attorney Berton D. Sherman, Black River Falls, Wis. For authority to operate as a *common carrier* transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving Millston, Wis. as an off-route point in connection with the carrier's regular route operations between Black River Falls, Wis. and La Crosse, Wis. over Wisconsin Highway 27 and U. S. Highway 16. Applicant is authorized to conduct operations in Wisconsin.

No. MC 65697 Sub 26, filed July 5, 1955, THEATRES SERVICE COMPANY, a corporation, 282 Hayden Street, N. W., Atlanta, Ga. Applicant's attorney John E. Dougherty, 1110 Hart Bldg., Atlanta, Ga. For authority to operate as a *common carrier* over regular routes, transporting: *Motion and sound films, equipment and supplies* used in the maintenance and operation of theatres and places for the display or exhibition of motion or sound film, and *newspapers, publications, periodicals, and printed matter* (1) Between Atlanta, Ga., and Atlanta, Ga., over a circuitous route, serving all intermediate points, from Atlanta, over U. S. Highway 19 to Murphy, N. C., thence over U. S. Highway 64 to Hayesville, N. C., thence over North Carolina Highway 69 to the North Carolina-Georgia State line, thence over Georgia Highway 69 to junction U. S. Highway 76, thence over U. S. Highway 76 to Blairsville, Ga., thence over U. S. Highway 19 to Atlanta, also from junction Georgia Highway 69 and U. S. Highway 76 over U. S. Highway 76 to junction Georgia Highway 75, thence over Georgia Highway 75 to junction U. S. Highway 129, thence over U. S. Highway 129

to Gainesville, Ga., thence over U. S. Highway 23 to Atlanta, and to operate in the reverse direction over the above-described routes, (2) Between Warne, N. C., and Young Harris, Ga., over Georgia Highway 66, serving all intermediate points. (3) Between Sevierville, Tenn., and Newport, Tenn., from Sevierville over U. S. Highway 441 to Gatlinburg, Tenn., thence over Tennessee Highway 73 to junction Tennessee Highway 32, thence over Tennessee Highway 32 to Newport, and return over the same route, serving all intermediate points. Applicant is authorized to conduct operations in Alabama, Georgia, and Tennessee.

No. MC 67020 Sub 4, filed July 22, 1955, SEATTLE TRANSFER CO., a Washington corporation, 2250 Occidental, Seattle, Wash. Applicant's attorney George H. Hart, Central Building, Seattle, Wash. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except Class A and B explosives, moving in express service for the Railway Express Agency, Incorporated, and moving on Railway Express Agency, Incorporated, bills of lading, between Seattle, Wash., and Baine, Wash., over U. S. Highway 99, via Conway, Burlington, and Bellingham, Wash. (also from junction Washington Highway 1E and U. S. Highway 99, near Silvana, Wash., over Washington Highway 1E to Conway, Wash., and also from Burlington, Wash., over Alternate U. S. Highway 99 to Bellingham, Wash.) and return over the same routes, serving all intermediate and off-route points which are stations on the line of the Great Northern Railway Company. RESTRICTIONS: The service to be performed shall be limited to a service which is auxiliary to, or supplemental of, railway express service; and shipments transported shall be limited to those moving on a through express receipt covering, in addition to the motor carrier movement by applicant, an immediately prior or immediately subsequent movement by Railway Express Agency, Incorporated.

No. MC 70151 Sub 23, filed July 20, 1955, UNITED TRUCKING SERVICE, INCORPORATED, 3047 Lonyo Road, P. O. Box 474, Roosevelt Park Station, Detroit 32, Mich. For authority to operate as a *common carrier* over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, not including salt in bulk, and commodities requiring special equipment, serving Gibraltar, Mich. as an off-route point in connection with applicant's authorized regular route operations over U. S. Highways 16, 12, 10, and 112 between Detroit, Mich. and Michigan points, and over U. S. Highways 25 and 112 between Detroit, Mich. and Indiana points. Applicant is authorized to conduct operations in Indiana, Michigan, and Ohio.

No. MC 75320 Sub 67, filed July 15, 1955, CAMPBELL SIXTY-SIX EXPRESS, INC., P. O. Box 390, 2333 E. Mill Street, Springfield, Mo. For authority to operate as a *common carrier* transporting: *General commodities*, ex-

cept those of unusual value, livestock, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those not suitable for transportation in van-type trailers, between Tupelo, Miss., and junction Illinois Highways 3 and 146, east of Cape Girardeau, Mo., from Tupelo over U. S. Highway 45 to junction U. S. Highway 45-E, thence over U. S. Highway 45-E to junction U. S. Highway 51, thence over U. S. Highway 51 to junction Illinois Highway 3, thence over Illinois Highway 3 to junction Illinois Highway 146, east of Cape Girardeau, and return over the same route, serving no intermediate points, as an alternate route, for operating convenience and joinder purposes only, in connection with carrier's regular route operations between (1) Memphis, Tenn., and St. Louis, Ill., (2) Memphis, Tenn., and Tupelo, Miss., (3) Tupelo, Miss., and Mayhew, Miss., and (4) Tupelo, Miss., and Birmingham, Ala. Applicant is authorized to conduct operations in Alabama, Arkansas, Illinois, Indiana, Iowa, Kansas, Mississippi, Missouri, Oklahoma and Tennessee.

No. MC 75320 Sub 68, filed July 18, 1955, CAMPBELL SIXTY-SIX EXPRESS, INC., P. O. Box 390, Springfield, Mo. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities, including Class A and Class B explosives*, but excluding those of unusual value, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, between (1) the junction of Missouri Highway No. 13 and unnumbered Henry County, Mo. County Road east of La Due, Mo., thence over unnumbered County Road to La Due, Mo., thence over unnumbered County Road to Ebasco Services, Inc., Field Office at or near the junction with Access Road; (2) the junction of Missouri Highway No. 13 and unnumbered Henry County, Mo. County Road over the route described in (1) above to Ebasco Services, Inc. Field Office at or near the junction with Access Road, thence over Access Road to Dam Site; (3) the junction of Missouri Highway No. 13 and unnumbered Henry County Mo. County Road east of La Due, Mo. over unnumbered County Road to its junction with Henry County, Mo. Farm-to-Market Highway T at La Due, Mo., thence over Farm-to-Market Highway T to junction with unnumbered County Road, thence over unnumbered County Road to the plant site of Kansas City Power and Light Company Montrose Steam Electric Station Unit No. 1. Applicant is authorized to conduct operations in Kansas, Missouri, Oklahoma, Arkansas, Tennessee, Mississippi, Alabama, Louisiana, Texas, and Illinois.

No. MC 78786 Sub 207, filed June 20, 1955, PACIFIC MOTOR TRUCKING COMPANY, a corporation, 65 Market Street, San Francisco 5, Calif. For authority to operate as a *common carrier* over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between



Oroville, Calif., and junction U. S. Highway 99-E and unnumbered County highway, south of Chico, Calif., and junction U. S. Highway 99-E and unnumbered County highway, east of Richvale, Calif., as follows: (1) from Oroville over unnumbered County highway to junction U. S. Highway 99-E and unnumbered County highway, south of Chico, and (2) from Oroville over unnumbered County highway to junction U. S. Highway 99-E and unnumbered County highway, east of Richvale, and return over the above routes, serving no intermediate points, as connecting routes for operating convenience only in connection with carrier's regular route operations (a) between Ashland, Oreg., and South San Francisco, Calif., and (b) between Marysville, Calif., and Oroville, Calif. **RESTRICTION:** Service to be performed by carrier shall be limited to that which is auxiliary to, or supplemental of, rail service; (2) Carrier shall not serve any point not a station on a railroad; (3) All contractual arrangements between the said carrier and any railroad or railway express carrier to whose services its service is auxiliary or supplementary, shall be reported to this Commission and shall be subject to revision if and as this Commission may find it necessary in order that such arrangements shall be fair and equitable to the parties; and (4) Such further conditions as the Commission, in the future, may find it necessary to impose in order to restrict said carrier's operations to service which is auxiliary to, or supplemental of, railroad or railway express company service. Applicant is authorized to conduct operations in Arizona, California, Nevada, Oregon, and Texas.

No. MC 85880 Sub 3, filed July 18, 1955, WILLIAM A. BEEBE, doing business as W. A. "Bill" BEEBE, P. O. Box 1136, 1700 South Jackson Street, El Dorado, Ark. Applicant's attorney: Ed. E. Ashbaugh, 902 Wallace Building, Little Rock, Ark. For authority to operate as a *common carrier* over irregular routes, transporting: *Machinery, equipment, materials, and supplies* used in or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission and distribution of natural gas and petroleum and their products and byproducts, and *machinery, equipment, materials and supplies* used in or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipe lines, including the stringing and picking up thereof, except in connection with main pipe lines, between points in Arkansas, on the one hand, and, on the other, points in Louisiana, Mississippi, Oklahoma, Tennessee and Texas. Applicant is authorized to conduct operations in all of the above-named states.

No. MC 95627 Sub 10, filed July 19, 1955, EUGENE NELMS, R. F. D. No. 4, Box 191, Suffolk, Va. Applicant's attorney: Jno. C. Goddin, State Planters Bank Bldg., Richmond 19, Va. For authority to operate as a *common carrier*, over irregular routes, transporting: *New furniture*, uncrated, from Norfolk, Va. to points in New York, New Jersey, Delaware, Maryland, Virginia, North Carolina, and South Carolina.

No. MC 95627 Sub 11, filed July 21, 1955, EUGENE NELMS, R. F. D. No. 4, Box 191, Suffolk, Va. Applicant's attorney: John C. Goddin, State Planters Bank Building, Richmond 19, Va. For authority to operate as a *common carrier*, over irregular routes, transporting: *Chocolate covered peanuts and candies*, requiring refrigeration, from Norfolk, Va., to points in North Carolina, South Carolina, Georgia, Florida, Alabama, Tennessee, Virginia, and West Virginia.

No. MC 95876 Sub 5, filed July 5, 1955, ANDERSON TRUCKING SERVICE, INC., 211 Cooper Avenue, North, St. Cloud, Minn. Applicant's attorney: Leonard E. Lindquist, Midland Bank Bldg., Minneapolis 11, Minn. For authority to operate as a *common carrier*, over irregular routes, transporting: *Granite*, rough and finished, or partially finished, between points in Burnet, Llano, Gillespie, and Mason Counties, Tex., on the one hand, and, on the other, points in Wisconsin, Iowa, Illinois, Nebraska, South Dakota, Indiana, Michigan, Ohio, Pennsylvania, Missouri, Kansas, Oklahoma, Connecticut, Massachusetts, Rhode Island, Texas, Louisiana, Arkansas, Georgia, Mississippi, Alabama, New York, New Jersey, Delaware, New Hampshire, Maryland, Vermont, Kentucky, Tennessee, North Carolina, South Carolina, Virginia, West Virginia, Florida, North Dakota, and Minnesota, and the District of Columbia, *machinery, equipment, materials, and supplies* used in or in connection with, the quarrying, fabricating, and finishing of monumental and structural granite, from the above-described origin territory, on the one hand, to the above-described destination territory, on the other. Applicant is authorized to conduct operations in Minnesota, South Dakota, Wisconsin, Iowa, Illinois, Nebraska, Indiana, Michigan, Ohio, Pennsylvania, Missouri, New York, New Jersey, New Hampshire, Delaware, Maryland, Vermont, Kentucky, Kansas, Oklahoma, Connecticut, Massachusetts, Rhode Island, and the District of Columbia.

No. MC 95876 Sub 6, filed July 5, 1955, ANDERSON TRUCKING SERVICE, INC., 211 Cooper Avenue, North, St. Cloud, Minn. Applicant's attorney: Leonard E. Lindquist, Midland Bank Bldg., Minneapolis 11, Minn. For authority to operate as a *common carrier*, over irregular routes, transporting: *Granite and stone*, rough and finished or partially finished, between points in Stearns, Wright, and Isanti Counties, Minn. and Grant County, S. Dak., on the one hand, and, on the other, points in Texas, Louisiana, Arkansas, Georgia, Mississippi, Alabama, Tennessee, North Carolina, South Carolina, Virginia, West Virginia, Florida, and North Dakota; *machinery, equipment, materials, and supplies* used in, or in connection with, the quarrying, fabrication, and finishing of stone and monumental and structural granite, between points in Minnesota and South Dakota, on the one hand, and, on the other, points in Texas, Louisiana, Arkansas, Georgia, Mississippi, Alabama, Tennessee, North Carolina, South Carolina, Virginia, West Virginia, Florida, and North Dakota. Applicant is authorized to conduct operations in

the States listed under application in No. MC 95876 Sub 5 immediately above.

No. MC 103880 Sub 151, filed July 21, 1955, PRODUCERS TRANSPORT, INC., 530 Paw Paw Ave., Benton Harbor, Mich. Applicant's attorney: Jack Goodman, 39 South La Salle St., Chicago 3, Ill. For authority to operate as a *common carrier* over irregular routes, transporting: *Petroleum, and petroleum products*, in bulk, in tank vehicles, from Toledo, Ohio, to points in New York, and Pennsylvania. Applicant is authorized to conduct operations in Illinois, Indiana, Iowa, Kentucky, Michigan, Missouri, New York, Ohio, Pennsylvania, West Virginia, and Wisconsin.

No. MC 104973 Sub 1, (Amended May 20, 1955 and further amended June 30, 1955), (Corrected July 22, 1955, published on page 5007, issue of July 13, 1955) EARLE M. GARDNER, Pine Plains, N. Y. Applicant's attorney: William F. Leahey, 4 Liberty Street, Poughkeepsie, N. Y. For authority to operate as a *contract carrier* over irregular routes, transporting: *Fertilizer* in bags and in bulk, from Carteret, N. J. to Pine Plains, N. Y., and points within ten miles thereof. Applicant is authorized to conduct operations in New Jersey and New York.

No. MC 106089 Sub 3, filed July 19, 1955, JOHN G. LANE, doing business as JOHN G. LANE LINES, 1017 N. McDuff Ave., P. O. Box 6065, Jacksonville, Fla. Applicant's attorney: Martin Sack, Atlantic National Bank Bldg., Jacksonville 2, Fla. For authority to operate as a *common carrier* over irregular routes, transporting: *Bakery products, bakery goods, bakery wares, and merchandise distributed by baking companies*, and in connection therewith *bakery advertising matter crates, racks, and containers*, from Jacksonville, Fla., to points in Georgia and South Carolina lying within an area bounded by U. S. Highway 1 on the west, the Atlantic Ocean on the east, U. S. Highways 76 and 1 on the north, and the Georgia-Florida State line on the south, including points on the indicated portions of the boundary highways; *stale or rejected bakery products, and crates, racks, and containers* used in transporting the commodities specified in its application on return. Applicant requests that all duplicating authority be eliminated. Applicant is authorized to conduct operations in Alabama, Georgia, and Florida.

No. MC 108089 Sub 4, filed July 19, 1955, JOHN G. LANE, doing business as JOHN G. LANE LINES, 1017 N. McDuff Ave., P. O. Box 6065, Jacksonville, Fla. Applicant's attorney: Martin Sack, Atlantic National Bank Bldg., Jacksonville 2, Fla. For authority to operate as a *common carrier* over irregular routes, transporting: *Bakery products, bakery goods, bakery wares, and merchandise distributed by baking companies*, and in connection therewith *bakery advertising matter crates, racks, and containers*, from Jacksonville, Fla. to points in Georgia and Alabama lying on or within an area bounded by U. S. Highway 80 on the north, U. S. Highway 31 on the west, the Georgia-Alabama State line on the south, and U. S. Highway 1 and Florida 23 on the east; *stale or rejected*

*bakery products, and crates, racks, and containers* used in transporting the commodities specified in this application on return. Applicant requests that all duplicating authority be eliminated. Applicant is authorized to conduct operations in Alabama, Georgia, and Florida.

No. MC 106497 Sub 9, filed July 11, 1955, published in the July 27, 1955 issue, amended July 21, 1955, PARKHILL TRUCK COMPANY, a corporation, 2000 E. Jasper Street, P. O. Box 1856, Tulsa, Okla. Applicant's attorney: Carl V. Kretsinger, Suite 1014-18 Temple Bldg., Kansas City 6, Mo. For authority to operate as a *common carrier* over irregular routes, transporting: *Machinery, equipment, materials, and supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products (1) between points in Ohio, and (2) between points in Ohio, on the one hand, and, on the other, points in Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Missouri, Nebraska, New Mexico, Oklahoma, Texas, and Wyoming. *Commodities, and parts thereof*, the transportation of which because of their size or weight requires the use of special equipment or handling, except those specified above, (1) between points in Ohio, and (2) between points in Ohio, on the one hand, and, on the other, points in Illinois, Indiana, Arkansas, Colorado, Iowa, Kansas, Louisiana, Missouri, New Mexico, Oklahoma, Texas, and Wyoming. Applicant is authorized to conduct operations in Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Missouri, Montana, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Texas and Wyoming.

No. MC 107107 Sub 70, filed July 21, 1955, ALTERMAN TRANSPORT LINES, INC., 2424 Northwest 46th Street, Miami, Fla. Applicant's attorney: Frank B. Hand, Jr., Transportation Building, Washington 6, D. C. For authority to operate as a *common carrier* over irregular routes, transporting: *Citrus juice*, requiring refrigeration, from points in Florida to points in Alabama, Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Minnesota, Missouri, Michigan, Nebraska, New Jersey, New York, Ohio, Oklahoma, Pennsylvania, South Dakota, Texas, Tennessee, Virginia, West Virginia, Delaware, Wisconsin, North Dakota, and the District of Columbia. *Empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified on return. Applicant is authorized to conduct operations in Alabama, Arkansas, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Tennessee, Texas, Vermont, Virginia, Wisconsin, and the District of Columbia.

No. MC 107483 Sub 3, filed July 20, 1955, DARRELL C. STAHLMAN, P. O. Box 36, Limestone, Pa. Applicant's attorney: H. Ray Pope, Jr., Clarion, Pa.

For authority to operate as a *contract carrier* over irregular routes, transporting: (1) *new store fixtures, and new store equipment, and such materials and supplies* as are used in the installation and maintenance of five-cent-to-one-dollar stores, the business of which is the sale of general merchandise, from New Bethlehem, Pa., to points in Kentucky, North Carolina, Virginia, and Connecticut, and (2) *used store fixtures, and used store equipment*, from points in Kentucky, North Carolina, Virginia, and Connecticut, to New Bethlehem, Pa. Applicant is authorized to conduct operations in Maryland, Michigan, Illinois, Indiana, New Jersey, New York, Ohio, Pennsylvania, West Virginia, and the District of Columbia.

No. MC 108859 Sub 22, filed June 27, 1955, CLAIRMONT TRANSFER COMPANY, a corporation, 1803 7th Avenue North, Escanaba, Mich. Applicant's attorney: Michael D. O'Hara, Spies Building, Menominee, Mich. For authority to operate as a *common carrier* transporting: *Class A and B explosives*, serving U. S. Air Force Installation adjacent to K. I. Sawyer Air Port and K. I. Sawyer Air Port near Sands, Mich., as off-route points, in connection with carrier's regular route operations authorizing Class A and B explosives between Green Bay, Wis., and Sault Sainte Marie, Mich. Applicant is authorized to conduct operations in Michigan and Wisconsin.

No. MC 108859 Sub 23, filed June 27, 1955, CLAIRMONT TRANSFER COMPANY, a corporation, 1803—7th Avenue North, Escanaba, Mich. Applicant's attorney: Michael D. O'Hara, Spies Building, Menominee, Mich. For authority to operate as a *common carrier* transporting: *Class A and B explosives*, serving the U. S. Air Force Installation, approximately one and one-half miles east of U. S. Highway 2 near Kinross, Mich., as an off-route point, in connection with carrier's regular route operations authorizing *Class A and B explosives* between Green Bay, Wis., and Sault Sainte Marie, Mich. Applicant is authorized to conduct operations in Michigan and Wisconsin.

No. MC 110796 Sub 2, filed July 18, 1955, RUSSELL G. GOBEL, Napanoch, N. Y. Applicant's attorney: John J. Brady, Jr., 75 State Street, Albany 7; N. Y. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Paper and paper products*, from Napanoch, N. Y., to points in the District of Columbia; and *waste paper* from points in the District of Columbia, to Napanoch, N. Y. Applicant is authorized to conduct operations in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island and Vermont.

No. MC 111170 Sub 21, filed July 18, 1955, WHEELING PIPE LINE, INC., P. O. Box 270, El Dorado, Ark. For authority to operate as a *common carrier* over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, between points in Arkansas and points in Louisiana south of U. S. Highway 84. Applicant is authorized to conduct operations in Alabama, Arkansas, Louisiana,

Mississippi, Missouri, Tennessee, and Texas.

No. MC 112247 Sub 2, JIM CHELF, INC., 5226 Brighton Blvd., Denver 16, Colo. For authority to operate as a *common carrier*, over irregular routes, transporting: *Contractor's machinery, materials, supplies and equipment* used in connection with road, bridge, building, dam and water pipeline construction, requiring special equipment or handling, and *sheet steel pipe*, all such commodities in shipments of not less than 5,000 pounds, between points in Colorado, Wyoming, and New Mexico.

No. MC 113651 Sub 10, filed July 21, 1955, INDIANA REFRIGERATOR LINES, INC., 13th and North Elm Streets, Muncie, Ind. Applicant's attorney: Charles Pieroni, 523 Johnson Bldg., Muncie, Ind. For authority to operate as a *common carrier*, over irregular routes, transporting: *Frozen foods, and frozen citrus juices*, from Lafayette, Ind. to points in Alabama, Connecticut, Delaware, Florida, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, and West Virginia, and the District of Columbia.

No. MC 115022 Sub 1, filed July 18, 1955, CHAMBERLAIN'S TRAILER TRANSPORT, INCORPORATED, 11 Litchfield Street, Thomaston, Conn. Applicant's attorney: Reubin Kaminsky, 410 Asylum St., Hartford, Conn. For authority to operate as a *common carrier* over irregular routes, transporting: *Used trailers*, designed to be drawn by passenger cars, furnished and unfurnished, by truckaway method, in secondary movements, between points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York and New Jersey, on the one hand, and, on the other, all points in the United States. Applicant is authorized to conduct operations in Connecticut, New York, New Jersey, Massachusetts, Rhode Island, New Hampshire, Vermont, Maine and Florida.

NOTE: Applicant desires no duplicating authority, and if the authority requested herein is granted, consents to the revocation of its present certificate, MC 115022, concurrently with the issuance of such authority as may be duplicated.

No. MC 115133 Sub 1, filed June 29, 1955, HARRY BENNETT, doing business as HARRY BENNETT CONSTRUCTION COMPANY, Route 4, Alma, Ga. Applicant's attorneys: William E. Lee, 5422 Mooreland Lane, Bethesda, Md., and E. Kontz Bennett, Waycross, Ga. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Materials and equipment*, used in or in connection with the construction, operation, repair, maintenance and dismantling of power, telegraph, and telephone lines, from pole storage locations, storage rooms, rail sidings, and pole plants to sites of the telephone and telegraph lines of American Telephone and Telegraph Company located (1) between Weldon and Fayetteville, N. C., Darlington and Denmark, S. C., Savannah, Ga., and Jacksonville, West Palm Beach, Homestead, and Key West, Fla., (2) be-

tween Reidsville, N. C., Spartanburg, S. C., Atlanta, Macon, and Thomasville, Ga., and Lake City, Dunnellon, and Tampa, Fla., (3) between Wilmington, Raleigh, and Charlotte, N. C., and Knoxville, Harriman, Chattanooga, Nashville, McKenzie and Memphis, Tenn., (4) between Charleston, S. C., Augusta and Atlanta, Ga., Birmingham, Ala., Meridian and Jackson, Miss., New Orleans and Lake Charles, La., (5) between Newport and Georgetown, Ky., Chattanooga, Tenn., Birmingham and Montgomery, Ala., and Pensacola, Fla., (6) between Louisville, Henderson, Nortonville, and Wickliffe, Ky., Memphis, Tenn., Corinth and Hattiesburg, Miss., and Decatur, Tuscaloosa, and Mobile, Ala., (7) between Raleigh, N. C., Spartanburg, S. C., Winder, Ga., Opelika, and Flomanton, Ala., Gulfport, Miss., and La Place, Alexandria, and Shreveport, La.

No. MC 115359, filed May 12, 1955, (Amended) JAMES CARLONZA, 1204 Central Ave., Union City, N. J. For authority to operate as a *common carrier* over irregular routes, transporting: *General commodities*, except commodities of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, between points in Hudson, Bergen, Passaic, Essex, Union, Middlesex and Mercer Counties, N. J., and points in Bronx, Brooklyn, Manhattan, Queens and Richmond Boroughs, N. Y.

No. MC 115443, filed July 5, 1955, FORREST E. WILSON, 201 Palm Boulevard, R. F. D. #1, Melbourne, Fla. For authority to operate as a *common carrier* over irregular routes, transporting: *New house trailers and used house trailers*, in towaway service, designed to be drawn by either a pick-up truck or a passenger automobile, between points in Florida, on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Michigan, Mississippi, Nebraska, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, West Virginia, and Wisconsin.

No. MC 115465, filed July 18, 1955, CHARLES W. NORTHCUTT and CECIL V. HUFF doing business as H & N SERVICE CO. For authority to operate as a *contract carrier* over irregular routes, transporting: *Lumber and forest products* such as *timber logs, poles, posts, piling, and box material; and fertilizer cotton; and cottonseed*, between points in Alabama on and south of U. S. Highway 80, and points in Florida on and west of Florida Highway 71, on the one hand, and, on the other, points in Alabama, Florida, Georgia, Louisiana, and Mississippi. Applicant does not presently hold any authority from this Commission.

No. MC 115466, filed July 18, 1955, CHESTER S. ROUSE, doing business as CHIEF DISTRIBUTING CO., Bemidji, Minn. Applicant's representative: A. R. Fowler, 2288 University Ave., St. Paul 14, Minn. For authority to operate as a *common carrier* over irregular routes, transporting: *Malt beverages*, from St. Louis, Mo. and Belleville, Ill. to Hibbing

and International Falls, Minn., *empty malt beverage containers*, from Hibbing and International Falls, Minn. to St. Louis, Mo. and Belleville, Ill., *paper towels, paper napkins, and toilet tissue*, from Eau Claire and Green Bay, Wis. to Bemidji, Minn., *plywood*, from Bemidji, Minn. to points in Illinois, Iowa, Michigan, North Dakota, South Dakota, and Wisconsin.

No. MC 115467, filed 18, 1955, I. T. RACKLEY, doing business as AA AUTOMOTIVE TRANSPORT, 9121 Easthaven, Houston, Tex. For authority to operate as a *common carrier* over irregular routes, transporting: *Used automotive vehicles*, in towaway and driveaway service, between points in Harris and Galveston Counties, Tex., on the one hand, and, on the other, points in the United States.

No. MC 115476, filed November 9, 1954, amended July 25, 1955, published December 1, 1954 issue, Page 7917, HOME TRANSFER & STORAGE CO., a corporation, 408 Main Street, Mount Vernon, Wash. Applicant's attorney: J. M. Hickson, 725 Yeon Bldg., Portland 4, Ore. For authority to operate as a *contract carrier* over irregular routes, transporting: *Frozen foods*, including but not limited to fresh and frozen fruits and vegetables, fruit juices and concentrates, foods partially processed preparatory to freezing or canning and all commodities requiring refrigeration, and *empty containers*, used in shipping the above-described commodities, between points in Washington, on the one hand, and, on the other, ports of entry on the International Boundary Line between the United States and Canada at Blaine, Sumas, Oroville, Northport and Laurier, Wash., and Porthill and Eastport, Idaho. RESTRICTION: Authority applied for herein to be restricted to movements to and from points in Canada. Applicant is authorized to conduct operations in California, Oregon and Washington.

No. MC 115476 Sub 1, filed January 20, 1955, published in the February 16, 1955 issue, on page 1000, as No. MC 7228 Sub 20, amended July 25, 1955 with respect to the type of authority sought, to change said application for a certificate as a *common carrier* to that of an application for a permit as a *contract carrier*, HOME TRANSFER & STORAGE CO., a corporation, 408 Main Street, Mount Vernon, Wash. Applicant's attorney: John M. Hickson, 725 Yeon Building, Portland 4, Ore. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Fresh and frozen foods* of all kinds, including but not limited to fresh and frozen fruit and vegetables, juices and concentrates in cans or containers, foods processed preparatory to freezing and canning and all commodities requiring refrigeration or temperature control, and *empty containers*, (1) between Skagit, Snohomish, Whatcom, King and Pierce Counties, Wash., and points in Washington east of the summit of the Cascade Mountains, (2) between points east of the summit of the Cascade Mountains in Washington and points in California, (3) between Skagit, Snohomish, Whatcom, King and Pierce Counties, Wash., and Washington, Klamath, Marion, Linn, Clackamas, Multno-

mah and Benton Counties, Ore., (4) between Washington, Klamath, Umatilla, Marion, Linn, Clackamas, Multnomah and Benton Counties, Ore., and points in California, and (5) between Skagit, Snohomish, Whatcom, King and Pierce Counties, Wash., and points in California. Applicant is agreeable, if the contract carrier permit is issued, to the revocation of any existing common carrier certificates held by it, should the granting of said permit result in dual operations inconsistent with the public interest. Applicant is authorized to conduct common carrier operations in California, Idaho, Oregon and Washington.

No. MC 115478, filed July 25, 1955, MERLIN V. KRUEGER, Route 1, Winneconne, Wis. For authority to operate as a *contract carrier* over regular routes, transporting: *Ice cream mix*, in bulk, in tank vehicles, between Appleton, Wis., and Norway, Mich., from Appleton over U. S. Highway 41 to junction U. S. Highway 141 near Abrams, Wis., thence over U. S. Highway 141 to junction U. S. Highway 2 near Quinnesec, Mich., thence over U. S. Highway 2 to Norway. Return from Norway over U. S. Highway 8 to junction U. S. Highway 141, thence over U. S. Highway 141 to junction U. S. Highway 41, thence over U. S. Highway 41 to Appleton. Serving no intermediate points.

#### APPLICATIONS OF MOTOR CARRIERS OF PASSENGERS

No. MC 2414 Sub 6, filed July 5, 1955, SOUTHERN PENNSYLVANIA BUS COMPANY, a Pennsylvania corporation, 1300 Edgmont Avenue, Chester, Pa. For authority to operate as a *common carrier* over regular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in special operations during the officially designated racing meets or seasons of each year, fixed or determined by the State of New Jersey, (1) between Chester, Pa., and the Atlantic City Race Track, McKee City, N. J., from Chester over U. S. Highway 322 to the Delaware River Ferry, thence over said Delaware River Ferry to continuation of U. S. Highway 322, thence continue over said U. S. Highway 322 to the entrance of the Atlantic City Race Track at McKee City, and return over the same route, serving no intermediate points; (2) between Chester, Pa., and the Garden State Park Race Track, Delaware Township, N. J., from Chester over U. S. Highway 322 to the Delaware River Ferry, thence over said Delaware River Ferry to continuation of U. S. Highway 322, thence continue over said U. S. Highway 322 to junction U. S. Highway 130, thence over U. S. Highway 130 to junction New Jersey Highway 38, thence over New Jersey Highway 38 to junction New Jersey Highway 70, thence over New Jersey Highway 70 to the entrance of the Garden State Park Race Track, Delaware Township, and return over the same route, serving no intermediate points; and (3) between Chester, Pa., and the Monmouth Park Race Track, Oceanport, N. J., from Chester over U. S. Highway 322 to the Delaware River Ferry, thence over the Delaware River Ferry to continuation of U. S. Highway 322, thence continue over

said U. S. Highway 322 to the New Jersey Turnpike, thence over said New Jersey Turnpike to junction Hightstown Interchange and New Jersey Highway 33, thence over New Jersey Highway 33 to junction New Jersey Highway 537, thence over New Jersey Highway 537 to junction New Jersey Highway 35, thence over New Jersey Highway 35 to junction New Jersey Highway 71, thence over New Jersey Highway 71 to the entrance of Monmouth Park Race Track, Oceanport, and return over the same route, serving no intermediate points. Applicant is authorized to conduct operations in Delaware and Pennsylvania.

No. MC 115464, filed July 18, 1955, ALBERT N. COURTRIGHT, doing business as WHITE TOP BUS LINES, Smithfield, Ohio. For authority to operate as a common carrier over irregular routes, transporting: *Passengers* and their *baggage* in the same vehicle with passengers, in round-trip charter operations beginning and ending at points in Jefferson County, Ohio and extending to points in Maryland, Pennsylvania, Virginia, and West Virginia, and the District of Columbia.

#### APPLICATIONS UNDER SECTION 5 AND 210a (b)

MC-F 6016. Authority sought for purchase by OLD COLONY TRANSPORTATION CO., INC., 56 Prospect Street, New Bedford, Mass., of the operating rights and property of F. RICHARDSON, PEARL M. RICHARDSON, EXECUTRIX, doing business as C. BUTLER & COMPANY 131 Walnut Street, Braintree, Mass., and for acquisition by GEORGE VIGEANT of control of the operating rights and property through the purchase. Person to whom correspondence shall be addressed: George Vigeant, Jr., 1136 Gardners Neck Rd., So. Swansea, Mass. Operating rights sought to be transferred: *General commodities*, with certain exceptions, including household goods, as a common carrier over irregular routes between Boston, Mass., on the one hand, and, on the other, points in Massachusetts within 25 miles of Boston. Vendee is authorized to operate in Massachusetts, Rhode Island, New York, and New Jersey. Application has been filed for temporary authority under Section 210a (b).

MC-F 6034. Authority sought for purchase by BAGGETT TRANSPORTATION COMPANY, 2 South 32nd Street, Birmingham, Ala., of the operating rights and property of HUNT FREIGHT LINE, INC., 2106 Fort Street, Chattanooga, Tenn., and for acquisition by W. D. SELLERS, JR., also of Birmingham, Ala., of control of the operating rights and property through the purchase. Applicant's attorneys: James W. Wrape, 2111 Sterick Building, Memphis, Tenn., and Blaine Buchanan, 1024 James Building, Chattanooga, Tenn. Operating rights sought to be transferred: *General commodities*, with certain exceptions including household goods, as a common carrier over regular routes between Summerville, Ga., and Cedar Bluff, Ala., between Rome, Ga., and Centre, Ala., between Rome, Ga., and Gadsden, Ala., and between Summerville, Ga., and

Menlo, Ga., serving certain intermediate and off-route points; *General commodities*, with certain exceptions not including household goods, between Rome, Ga., and Chattanooga, Tenn., serving all intermediate points and off-route points between Berryton and Chickamauga, Ga. Vendee is authorized to operate in Alabama, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, West Virginia, Wisconsin, Wyoming, and the District of Columbia. Application has not been filed for temporary authority under section 210 a (b).

MC-F 6035. Authority sought for purchases by DEAN S. AXTELL, 2000 S. W. "G" Street, Grants Pass, Oregon, of a portion of the operating rights of MANUEL SENNA, doing business as SENNA TRUCKING, P. O. Box 2, San Leandro, Calif. Applicant's attorney: I. R. Perry, P. O. Box 594, Grants Pass, Ore. Operating rights sought to be transferred: Lumber, as a common carrier, over irregular routes, from points in Jackson and Josephine Counties, Ore., to points in California located on or north of a straight line extending from Santa Barbara, Calif., through Bakersfield, Calif., to the California-Nevada State line. Vendee is authorized to operate in California and Oregon. Application has not been filed for temporary authority under section 210a (b).

MC-F 6036. Authority is sought for purchase by EAGLE EXPRESS COMPANY, Somerset, Ky., of the operating rights and property of KENNETH G. WHITAKER, doing business as SOMERSET & KNOXVILLE FREIGHT LINE, also of Somerset, and the operating rights and property of ROBERT F. YOUNG, JR., doing business as G & Y TRANSFER LINE, Jamestown, Ky. Applicants' attorney: Fritz Krueger, also of Somerset. Operating rights sought to be transferred: (Whitaker) *General commodities*, with certain exceptions, including household goods, as a common carrier over a regular route between Knoxville, Tenn., and Lexington, Ky., between Russell Springs, Ky., and Louisville, Ky., between Cookeville, Tenn., and Celina, Tenn., between Hillham, Tenn., and Wilder, Tenn., between Albany, Ky., and Static, Tenn., and from Livingston, Tenn., to Wilder, Tenn., serving all intermediate points; *General commodities*, with certain exceptions, not including household goods, between Fonthill, Ky., and Cincinnati, Ohio, and Somerset, Ky., and Albany Ky., serving certain intermediate and off-route points. Vendee holds no authority from the Interstate Commerce Commission. Application has not been filed for temporary authority under Section 210a (b). The operating rights involved herein were formerly embraced in Nos. MC-FC 53772, EAGLE EXPRESS COMPANY—Purchase—ROBERT F. YOUNG, JR., and MC-FC 53773, EAGLE EXPRESS

COMPANY—Purchase—KENNETH G. WHITAKER.

By the Commission.

[SEAL] HAROLD D. MCCOY,  
Secretary.

[F. R. Doc. 55-6251; Filed, Aug. 2, 1955; 8:50 a. m.]

#### FOURTH SECTION APPLICATIONS FOR RELIEF

JULY 29, 1955.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

#### LONG-AND-SHORT HAUL

FSA No. 30892: Paper and related articles from Lawrence, Kans. Filed by W. J. Prueter, Agent, for interested rail carriers. Rates on paper and related articles, carloads, from Lawrence, Kans., to points in zones 2, 3 and 4 in western trunkline territory.

Grounds for relief: Short-line distance formula, circuitry, and maintenance of different levels of rates at points in intermediate territories.

Tariff: Supplement 5 to Agent Prueter's I. C. C. A-4094.

FSA No. 30893: Import rates—Southern ports to Central Territory. Filed jointly by H. M. Engdahl and H. R. Hinsch, Agents, for interested rail carriers. Rates on foodstuffs, canned or preserved, etc., carloads, from Gulf, Florida and south Atlantic ports to specified points in Illinois, Indiana, Michigan, Ohio, Pennsylvania, and Wisconsin.

Grounds for relief: Circuitous routes and maintenance of existing import rates to intermediate points in higher rated territory.

Tariff: Supplement 6 to Agent Engdahl's I. C. C. 133.

FSA No. 30894. Steel or wrought iron pipe—Pennsylvania to Southwest. Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on wrought iron or steel pipe and related articles, carloads, from Phoenixville and Steelton, Pa., to specified destinations in Arkansas, Louisiana, New Mexico, Oklahoma, and Texas.

Grounds for relief. Circuitous routes.

Tariff: Supplement 32 to Agent Kratzmeir's I. C. C. 4116.

FSA No. 30895: Petroleum and products from Glendive, Mont. Filed by The Northern Pacific Railway Company, Agent, for interested rail carriers. Rates on gasoline, naphtha, distillate fuel oil, and refined fuel oil, carloads, from Glendive, Mont., to specified points in North Dakota and South Dakota.

Grounds for relief: Motor truck competition and circuitry.

Tariff: Supplement 2 to Northern Pacific Railway tariff I. C. C. No. 9906.

FSA No. 30896: Sulphuric acid—Baton Rouge, La., to Jessup and Rosser, Ga. Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on sulphuric acid, carloads from Baton Rouge, La., to Jessup and Rosser, Ga.,

Grounds for relief: Circuitous routes.

Tariff: Supplement 89 to Agent C. A. Spaninger's I. C. C. No. 1357.

FSA No. 30897: Packing house products and fresh meats—Columbus, Ind., to the South. Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on packing house products and fresh meats, carloads, from Columbus, Ind., to specified points in Alabama, Florida, Louisiana, and Mississippi.

Grounds for relief: Circuitous routes.

By the Commission.

[SEAL] HAROLD D. McCoy,  
Secretary.

[F. R. Doc. 55-6250; Filed, Aug. 2, 1955;  
8:50 a. m.]

## SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3397]

STANDARD POWER AND LIGHT CORP.

ORDER AUTHORIZING EXTENSION OF BANK  
LOAN FOR ONE YEAR

JULY 27, 1955.

Standard Power and Light corporation ("Standard Power") a registered holding company, has filed a declaration, pursuant to sections 6 (a) and 7 of the Public Utility Holding Company Act of 1935 ("Act") regarding a proposal to extend its outstanding bank loan indebtedness to The Hanover Bank of New York, New York.

Standard Power proposes, pursuant to a loan extension agreement, to extend the payment of its bank loan indebtedness of \$1,500,000 to the Hanover Bank for one year from July 29, 1955, with interest at 3¼ percent. The company will have the right at any time to prepay all or any part of the loan without premium.

In justification of the proposal to extend said bank loan, the company states that it is not practicable, nor is it in the best interests of the stockholders of the company, to pay the loan at its present maturity. It is represented, among other things, that to do so would require the sale of a substantial amount of portfolio securities with resulting loss of dividend income; that such sale of

securities would complicate the company's tax situation with respect to its announced program to continue in existence as an investment company and that Standard Power's assets and contemplated income are and will be more than sufficient to provide for the payment of the interest and principal of the bank loan within the period contemplated by the proposed extension thereof.

Due notice of the filing of said declaration having been given in the manner prescribed by Rule U-23 under the act, and no hearing having been requested of, or ordered by, the Commission; and the Commission finding that the applicable provisions of the Act and the Rules promulgated thereunder are satisfied, and that no adverse findings are necessary, and deeming it appropriate in the public interest and the interest of investors and consumers that said declaration should be permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24 promulgated under the Act:

*It is ordered*, Pursuant to Rule U-23 and the applicable provisions of the Act, that said declaration be, and the same hereby is, permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 55-6229; Filed, Aug. 2, 1955;  
8:46 a. m.]

[File No. 70-3394]

NEW ENGLAND ELECTRIC SYSTEM AND  
NORTHERN BERKSHIRE ELECTRIC CO.

ORDER AUTHORIZING ISSUANCE AND SALE OF  
COMMON STOCK BY SUBSIDIARY TO  
PARENT

JULY 27, 1955.

New England Electric System ("NEES") a registered holding company, and its public-utility subsidiary, Northern Berkshire Electric Company ("Northern Berkshire"), have filed a joint application with this Commission pursuant to sections 6 (b) and 10 of the

Public Utility Holding Company Act of 1935 ("Act") and Rule U-42 (b) (2) promulgated thereunder with respect to the following transactions:

Northern Berkshire proposes to issue and sell 25,000 additional shares of common stock of the par value of \$25 per share and NEES, the owner of all of the presently outstanding common stock of Northern Berkshire, proposes to acquire said additional shares for a cash consideration of \$875,000. Northern Berkshire proposes to apply the proceeds derived from said sale to the payment of a like amount of note indebtedness payable to NEES.

The joint application states that the Massachusetts Department of Public Utilities has expressly authorized the proposed sale of common stock by Northern Berkshire and that no other State commission or Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

NEES and Northern Berkshire request that the Commission's order herein become effective forthwith upon issuance thereof.

Due notice of the filing of said joint application having been given in the manner prescribed by Rule U-23 under the Act, and no hearing having been requested of, or ordered by, the Commission; and the Commission finding that the applicable provisions of the Act and the Rules promulgated thereunder are satisfied and that no adverse findings are necessary, and deeming it appropriate in the public interest and the interest of investors and consumers that said joint application should be granted forthwith, subject to the terms and conditions prescribed in Rule U-24 promulgated under the Act:

*It is ordered*, Pursuant to Rule U-23 and the applicable provisions of the Act, that said joint application be, and the same hereby is, granted, forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 55-6230; Filed, Aug. 2, 1955;  
8:46 a. m.]



